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Wednesday
May 20, 1998

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Presidential Documents

Title 3—

The President

Proclamation 7096 of May 14, 1998

National Safe Boating Week, 1998

By the President of the United States of America

A Proclamation

Recreational boating is one of our Nation's most popular and most rewarding pastimes. Blessed with an abundance of scenic rivers, lakes, streams, and coastal waters, our country is a haven for people who love the water. More than 78 million Americans take to the water each year with family and friends to appreciate nature, relax, and simply escape from the cares of the day. However, while boating can be a wonderful recreational activity, it can also be dangerous for the unprepared.

Tragically, more than 700 Americans die each year in boating-related accidents. In most cases, human error and poor judgment are to blame. Drinking or taking drugs while operating a boat, ignoring safe navigation rules, and failing to wear a life preserver are all examples of poor judgment that can lead to loss of life. The U.S. Coast Guard estimates that last year alone, 80 percent of boating-related fatalities could have been prevented had life jackets been worn. So, the theme of this year's Safe Boating Week, ''Boat Smart from the Start! Wear Your Life Jacket,'' is truly a matter of life and death. I encourage all Americans to wear life preservers every time they are on the water—this simple precaution can save hundreds of lives each year.

The National Safe Boating Council, the U.S. Coast Guard, other Federal agencies, State and local governments, and many recreational boating organizations actively promote boating safety and work to save lives on the water. However, it is ultimately up to each individual to take responsibility for his or her own safety and for the safety of friends and family. This year, during National Safe Boating Week, I urge all Americans who use our Nation's waterways to practice safe boating and to educate others about the importance of wearing life jackets, abstaining from drugs and alcohol, and following safe navigation rules. Together we can save lives and ensure that boating remains an enjoyable activity—for ourselves and for our loved ones.

In recognition of the importance of safe boating practices, the Congress, by joint resolution approved June 4, 1958 (36 U.S.C. 161), as amended, has authorized and requested the President to proclaim annually the seven-day period prior to Memorial Day as ''National Safe Boating Week.''

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim May 16 through May 22, 1998, as National Safe Boating Week. I encourage the Governors of the 50 States and the Commonwealth of Puerto Rico, and officials of other areas subject to the jurisdiction of the United States, to join in observing this occasion and to urge all Americans to practice safe boating not only during this week, but also throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of May, in the year of our Lord nineteen hundred and ninety-eight, and of the Independence of the United States of America the two hundred and twenty-second.

William J. Clinton

[FR Doc. 98–13543
Filed 5–19–98; 8:45 am]
Billing code 3195–01–P

Presidential Documents

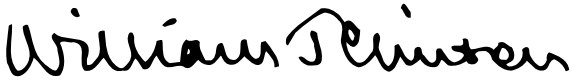
Presidential Determination No. 98–22 of May 13, 1998

Sanctions Against India for Detonation of a Nuclear Explosive Device

Memorandum for the Secretary of State

In accordance with section 102(b)(1) of the Arms Export Control Act, I hereby determine that India, a non-nuclear-weapon state, detonated a nuclear explosive device on May 11, 1998. The relevant agencies and instrumentalities of the United States Government are hereby directed to take the necessary actions to impose the sanctions described in section 102(b)(2) of that Act.

You are hereby authorized and directed to transmit this determination to the appropriate committees of the Congress and to arrange for its publication in the **Federal Register**.



THE WHITE HOUSE,
Washington, May 13, 1998.

[FR Doc. 98–13601
Filed 5–19–98; 8:45 am]
Billing code 4710–10–M

Rules and Regulations

Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 3017

Governmentwide Debarment and Suspension (Nonprocurement); Delegation of Authority

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This rule amends 7 CFR part 3017 to permit the Chief of the Forest Service to redelegate the authority to serve as Forest Service nonprocurement debarring or suspending official to the Deputy Chief or an Associate Deputy Chief for the National Forest System.

EFFECTIVE DATE: May 20, 1998.

FOR FURTHER INFORMATION CONTACT: Jim Naylor, Forest Management Staff, Forest Service, USDA, STOP 1105, P.O. Box 96090, Washington, D.C. 20090–6090 (202) 205–0858.

SUPPLEMENTARY INFORMATION: Under the Governmentwide nonprocurement debarment and suspension rules, the authority to act as the Debarring and Suspending Official is vested in the agency head or an official designated by the agency head (53 FR 19161, 19205; May 26, 1988). However, the U.S. Department of Agriculture regulations implementing the Governmentwide nonprocurement debarment and suspension rules (54 FR 4721, 4731; Jan. 30, 1989) provide that the authority to act as a Debarring and Suspending Official may not be delegated below the head of any organizational unit of the U.S. Department of Agriculture.

The time-consuming nature of the Debarring and Suspending Official's duties is inconsistent with the other duties of and demands on the Chief of the Forest Service in overseeing the Forest Service's programs. The Debarring and Suspending Official must personally review the record, conduct informal hearings, and make the decision to suspend, propose debarment, or debar. If there is subsequent litigation, the official may be required to answer depositions or to testify. Moreover, Forest Service debarment and suspension cases are complicated because many deal with indictments for timber theft, collusive bidding, and other serious violations concerning contracts and permits for the use of natural resources.

Therefore, in recognition of the number and complexity of Forest Service nonprocurement debarment and suspension actions, the Secretary is revising the USDA rule to permit the Chief to redelegate the authority to act as the Forest Service nonprocurement Debarring and Suspending Official to a subordinate Forest Service official, namely the Deputy Chief and the Associate Deputy Chiefs for the National Forest System.

Regulatory Impact

This rule relates to internal Department management. As such, this rule has no substantive effect, nor is it subject to prior review by the Office of Management and Budget under Executive Order 12866. Because of its internal nature, this rule also is exempt from further analysis under the Civil Justice Reform Act, the Unfunded Mandates Reform Act of 1995, the Paperwork Reduction Act, and Executive Order 12630.

List of Subjects in 7 CFR Part 3017

Administrative practice and procedure, Grant administration, Grant programs (Agriculture).

Therefore, for the reasons set forth in the preamble, Part 3017 of Title 7 of the Code of Federal Regulations is amended as follows:

PART 3017—GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR A DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 3017 continues to read as follows:

Authority: 5 U.S.C. 301; 41 U.S.C. 701 et seq.; E.O. 12549; 51 FR 6370, 3 CFR, 1986 Comp., p. 189.

2. Section 3017.105 is amended by revising the definitions of *Debarring official* paragraph (2)(i) and *Suspending official* paragraph (2)(i) to read as follows:

§ 3017.15 Definitions.

* * * * *

Debarring official. * * *

(2) * * *

(i) In USDA, the authority to act as a debarring official is not delegated below the agency head, except that in the case of the Forest Service, the Chief may redelegate the authority to act as a debarring official to the Deputy Chief or an Associate Deputy Chief for the National Forest System.

* * * * *

Suspending official. * * *

(2) * * *

(i) In USDA, the authority to act as a suspending official is not delegated below the agency head, except that in the case of the Forest Service, the Chief may redelegate the authority to act as a suspending official to the Deputy Chief or an Associate Deputy Chief for the National Forest System.

* * * * *

Dated: May 12, 1998.

Reba Pittman Evans,

Acting Assistant Secretary, Administration.

[FR Doc. 98–13442 Filed 5–19–98; 8:45 am]

BILLING CODE 3410–11–M

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

10 CFR Part 1703

FOIA Fee Schedule

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Update of FOIA fee schedule.

SUMMARY: The Defense Nuclear Facilities Safety Board is publishing its annual update to the Freedom of Information Act (FOIA) Fee Schedule pursuant to 10 CFR 1703.107(b)(6) of the Board's regulations.

EFFECTIVE DATE: June 1, 1998.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Pusateri, General Manager, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, DC 20004–2901, (202) 208–6447.

SUPPLEMENTARY INFORMATION: The FOIA requires each Federal agency covered by the Act to specify a schedule of fees applicable to processing of requests for

agency records. 5 U.S.C. 552(a)(4)(i). On March 15, 1991 the Board published for comment in the **Federal Register** its proposed FOIA Fee Schedule. 56 FR 11114. No comments were received in response to that notice and the Board issued a final Fee Schedule on May 6, 1991.

Pursuant to 10 CFR 1703.107(b)(6) of the Board's regulations, the Board's General Manager will update the Fee Schedule once ever 12 months. Previous Fee Schedule updates were published in the **Federal Register** and went into effect, most recently, on June 1, 1997. 62 FR 30432, June 4, 1997.

Board Action

Accordingly, the Board issues the following schedule of updated fees for services performed in response to FOIA requests:

Defense Nuclear Facilities Safety Board Schedule of Fees for FOIA Services (Implementing 10 CFR § 1703.107(b)(6))

Search or Review Charge: $52 per hour
Copy Charge (paper): $.05 per page, if done in-house, or generally available commercial rate (approximately $.10 per page)
Copy Charge (3.5'' diskette): $5.00 per diskette
Copy Charge (audio cassette): $3.00 per cassette
Duplication of Video: $25.00 for each individual videotape; $16.50 for each additional individual videotape
Copy Charge for large documents (e.g., maps, diagrams): Actual commercial rates

Dated: May 31, 1998.

Kenneth M. Pusateri,

General Manager.

[FR Doc. 98–13345 Filed 5–19–98; 8:45 am]

BILLING CODE 3670–01–M

FEDERAL HOUSING FINANCE BOARD

12 CFR Part 960

[No. 98–18]

RIN 3069–AA73

Amendment of Affordable Housing Program Regulation

AGENCY: Federal Housing Finance Board.

ACTION: Interim final rule.

SUMMARY: The Federal Housing Finance Board (Finance Board) is amending its regulation governing the operation of the Affordable Housing Program (AHP or Program) to make certain technical revisions to the regulation that would clarify Program requirements and improve the operation of the AHP.

EFFECTIVE DATE: The interim final rule shall be effective on June 19, 1998. The Finance Board will accept written comments on this interim final rule on or before July 20, 1998.

ADDRESSES: Mail comments to Elaine L. Baker, Secretary to the Board, Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Richard Tucker, Deputy Director, Compliance Assistance Division, Office of Policy, (202) 408–2848, or Sharon B. Like, Senior Attorney-Advisor, (202) 408–2930, or Roy S. Turner, Attorney-Advisor, (202) 408–2512, Office of General Counsel, Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006.

SUPPLEMENTARY INFORMATION:

I. Statutory and Regulatory Background

Section 10(j)(1) of the Federal Home Loan Bank Act (Act) requires each Federal Home Loan Bank (Bank) to establish a Program to subsidize the interest rate on advances to members of the Federal Home Loan Bank System (Bank System) engaged in lending for long-term, low- and moderate-income, owner-occupied and affordable rental housing at subsidized interest rates. *See* 12 U.S.C. 1430(j)(1). The Finance Board is required to promulgate regulations governing the Program. *See id.* The Finance Board's existing regulation governing the operation of the Program is set forth in part 960 of the Finance Board's regulations (AHP regulation). *See* 12 CFR part 960.

On August 4, 1997, the Finance Board published a final rule adopting comprehensive revisions to the AHP regulation, which, among other changes, authorized the 12 Banks, rather than the Finance Board, to approve applications for AHP subsidies beginning January 1, 1998. *See* 62 FR 41812 (Aug. 4, 1997).

In the course of implementing the changes to the Program under the recent revisions to the AHP regulation, the Banks and Finance Board staff have identified a number of technical issues whose resolution would clarify Program requirements and improve the effectiveness of the Program. The Finance Board previously published a list of Questions and Answers prepared by Finance Board staff in order to provide guidance on some of these issues. *See* 62 FR 66977 (Dec. 23, 1997). This interim final rule codifies portions of the Finance Board staff guidance contained in the Questions and Answers and addresses additional technical issues that have arisen in the course of implementing the 1997 revisions to the AHP regulation. Although the interim final rule will become effective 30 days after publication in the **Federal Register**, the Finance Board requests comment on all aspects of the rule during a 60-day comment period.

II. Analysis of Interim Final Rule

A. Definitions—Section 960.1

1. Definition of ''Affordable''

Under § 960.5(b)(1) of the current AHP regulation, in order for rental housing to be eligible to be financed by an AHP subsidy, at least 20 percent of the units must be occupied by and affordable for very low-income households. *See* 12 CFR 960.1, 960.5(b)(1). Section 960.1 of the current AHP regulation provides that ''affordable'' means that ''the rent charged to a household for a unit that is committed to be affordable in an AHP application does not exceed 30 percent of the income of a household of the maximum income and size expected, under the commitment made in the AHP application, to occupy the unit (assuming occupancy of 1.5 persons per bedroom or 1.0 person per unit without a separate bedroom).'' *See id.* § 960.1 This definition is intended to make clear that the 30 percent-of-income limitation on rent applies to all units in a project which, according to the commitments made in the AHP application, are to be reserved for occupancy by households with incomes at or below 80 percent of the median income for the area. However, subsequent to the adoption of the definition, questions have arisen as to which units in a rental project are subject to the 30 percent-of-income limitation. The revised definition of ''affordable'' is intended to clarify this issue. The interim final rule defines ''affordable'' to mean that ''the rent charged for a unit which is to be reserved for occupancy by a household with an income at or below 80 percent of the median income for the area, does not exceed 30 percent of the income of a household of the maximum income and size expected, under the commitment made in the AHP application, to occupy the unit (assuming occupancy of 1.5 persons per bedroom or 1.0 person per unit without a separate bedroom).''

2. Definitions of ''Low- or Moderate-Income Household'' and ''Very Low-Income Household'' for Housing With Current Occupants

Under § 960.1 of the current AHP regulation, in the case of projects involving the purchase or rehabilitation of occupied rental housing, a household occupying such housing is deemed to be a ''very low-income household'' if, at the time the purchase or rehabilitation of the housing is completed, the household has an income at or below 50 percent of the median income for the area. *See id.* This provision may make it difficult for the sponsor of such a project to commit to reserve a specific proportion of units for very low-income households because of the uncertainty as to how many of the current occupants will qualify as very low-income households at some future date when the project purchase or rehabilitation is completed. Consequently, the interim final rule provides that current occupants will be deemed to by very low-income households if they have incomes at or below 50 percent of the median income for the area at the time the application for AHP subsidy is submitted to the Bank. The interim final rule makes a parallel change to the definition of ''low- or moderate-income household'' in § 960.1 of the current AHP regulation.

3. Definition of ''Owner-Occupied Unit'' as Including Two-to-Four Family Housing

Section 960.1 of the current AHP regulation defines ''owner-occupied unit'' as a unit in an ''owner-occupied project,'' which is defined as a project involving the purchase, construction, or rehabilitation of owner-occupied housing, including condominiums and cooperative housing, by or for very low- or low- or moderate-income households. *See id.* § 960.1. The interim final clarifies that two-to-four family owner-occupied housing consisting of one owner-occupied unit and one or more rental units constitutes a single owner-occupied unit for purposes of the AHP. The income eligibility and affordability requirements of the AHP regulation do not apply to the rental units in two-to-four family housing.

4. Definition of ''Rental Project'' as Including Overnight Shelters for Homeless Households

Under § 960.1 of the current AHP regulation, a ''rental project'' is defined to include ''transitional housing for homeless households.'' *See id.* The interim final rule clarifies that overnight shelters for homeless households also are considered rental housing under the AHP.

B. Terms of Advisory Council Members—Section 960.4(d)

Section 960.4(d) of the current AHP regulation provides that a Bank's board of directors shall appoint Advisory Council members to serve for no more than three consecutive terms of three years each, and such terms shall be staggered to provide continuity in experience and service to the Advisory Council. *See id.* § 960.4(d). The interim final rule restates this requirement to make clear that, as intended by the current AHP regulation, an Advisory Council member's individual term must be three years. The interim final rule also adds language to clarify that an Advisory Council member appointed to fill a vacancy shall be appointed for the unexpired term of his or her predecessor in office and that appointments for the unexpired term of a predecessor shall not count toward the three-term limit.

C. Minimum Eligibility Standards For AHP Projects—Section 960.5

1. Fair Housing Compliance—§ 960.5(b)(9)

Section 960.5(b)(9) of the interim final rule clarifies the requirement in the current AHP regulation that projects, as proposed, must comply with applicable fair housing law requirements and demonstrate how the project will be affirmatively marketed in order to be eligible to receive AHP funds. *See id.* § 960.5(b)(9). The interim final rule is intended to clarify that compliance with any applicable fair housing laws includes compliance with applicable federal and state laws on housing accessibility for the disabled, as well as affirmative marketing requirements under the Fair Housing Act, as they relate to disabled persons.

There are a number of federal and state fair housing laws relating to persons with disabilities that may apply to AHP projects, depending upon: the type of housing or housing design (single-family, multifamily, homeless shelters, buildings with or without elevators, or mixed use buildings); whether the project involves acquisition, rehabilitation or new construction; and whether the project involves federal or state funds. Given the number of different laws governing fair housing and accessibility requirements for the disabled, it is recommended that the appropriate enforcing agencies be consulted for clarification on any specific issue relating to compliance.

2. District Eligibility Requirements—Section 960.5(b)(10)

Section 960.5(b)(10)(i) of the current AHP regulation authorizes a Bank, after consultation with its Advisory Council, to establish one or more of the following additional eligibility requirements for AHP applications: (1) A requirement that the amount of subsidy requested for the project does not exceed limits established by the Bank as to the maximum amount of AHP subsidy available per member each year; or per member, per project, or per project unit in a single funding period; (2) a requirement that the project is located in the Bank's District; or (3) a requirement that the member submitting the application has made use of a credit product offered by the Bank, other than AHP or Community Investment Program (CIP) credit products, within the previous 12 months. *See id.* § 960.5(b)(10)(i). Section 960.5(b)(10)(ii) further provides that District eligibility requirements must apply equally to all members. *See id.* § 960.5(b)(10)(ii).

Several of the Banks would like to have the option to make the use of a minimum amount of Bank credit products a prerequisite for applying for large amounts of AHP subsidy. Under § 960.5(b)(10)(i)(C) of the current AHP regulation, which authorizes the Banks to condition the availability of AHP subsidy upon a member's use of ''a'' credit product, this option is not now available. *See id.* § 960.5(b)(10)(i)(C). Further, these Banks have proposed that the required level of credit product usage be linked to a member's asset size. For example, a Bank proposes to allow all members to have access to up to $50,000 of AHP subsidy per year, but require members wishing to apply for more than $50,000 to have outstanding average daily balances of Bank credit products in an amount equal to at least 1.5 percent of the member's total assets. In support of this kind of requirement, the Banks have argued that because AHP subsidies are derived from a Bank's earnings, fairness requires that availability of subsidies be linked to the extent to which a member contributes to the Bank's earnings through the purchase of other Bank credit products. These Banks argue that a member's use of a single Bank credit product does not make a meaningful contribution to Bank earnings.

Accordingly, the interim final rule revises the language of § 960.5(b)(10)(i)(C) of the current AHP regulation to permit a Bank to establish a requirement that a member submitting an AHP application has made use of a minimum amount of a credit product

offered by the Bank, other than AHP or CIP credit products, within the previous 12 months, provided that such a minimum threshold for credit product usage established by a Bank shall not exceed 1.5 percent of a member's total assets, and all members shall have access to some amount of AHP subsidy, as determined by the Bank, regardless of whether they meet the Bank's minimum threshold for credit product usage.

Section 960.5(b)(10)(ii) of the current AHP regulation provides that ''District eligibility requirements must apply equally to all members.'' *See id.* § 960.5(b)(10)(ii). The interim final rule revises this language to clarify that ''[a]ny limit on the amount of AHP subsidy available per member must result in equal amounts of AHP subsidy available to all members.'' This requirement is intended to ensure that such limits are not structured or applied in a discriminatory manner.

D. Procedure for Approval of Applications for Funding—Section 960.6

1. Instructions for the Competitive Scoring Process—Section 960.6(b)(4)(ii) and (iii)

The interim final rule adds specific references to the targeting and subsidy-per-unit scoring criteria to clarify the cross references in §§ 960.6(b)(4)(ii) and (iii) of the current AHP regulation. *See id.* §§ 960.6(b)(4)(ii), (iii).

2. Scoring Criterion on Use of Donated Government-Owned or Other Properties—Section 960.6(b)(4)(iv)(A)

Under § 960.6(b)(4)(iv)(A) of the current AHP regulation, an application may receive points if it involves the creation of housing using a significant proportion of units or land donated or conveyed for a nominal price by the federal government or any agency or instrumentality thereof, or by any other party. *See id.* § 960.6(b)(4)(iv)(A). Questions have arisen as to what should be considered a ''nominal price.'' The interim final rule adds language to § 960.6(b)(4)(iv)(A) clarifying that a nominal price is a small, negligible amount, most often one dollar, and may be accompanied by modest expenses related to the conveyance of the property.

3. Targeting Score for Owner-Occupied Projects—Section 960.6(b)(4)(iv)(C)(*2*)

The first sentence of § 960.6(b)(4)(iv)(C)(*2*) of the current AHP regulation provides that applications for owner-occupied projects shall be awarded points based on the percentage of units in the project to be provided to households with incomes at or below 80 percent of the median income for the area. *See id.* § 960.6(b)(4)(iv)(C)(*2*). The wording of this sentence creates the erroneous implication that an AHP owner-occupied project may contain one or more units for households with incomes above 80 percent of the median income for the area. Under the Act, AHP subsidies may be used only to finance owner-occupied housing for households with incomes at or below 80 percent of the median income for the area. *See* 12 U.S.C. 1430(j)(2)(A). Consequently, the interim final rule deletes the first sentence of § 960.6(b)(4)(iv)(C)(*2*) of the current AHP regulation. Applications for owner-occupied projects shall be awarded points based on a declining scale, with projects having the highest percentage of units targeted to households with the lowest percentage of median income for the area awarded the highest number of points.

4. Scoring Criterion for Housing for Homeless Households—Section 960.6 (b)(4)(iv)(D)

Under § 960.6(b)(4)(iv)(D) of the current AHP regulation, an application may receive points if it involves ''[t]he creation of transitional housing, excluding overnight shelters, for homeless households permitting a minimum of six months occupancy, or the creation of rental housing reserving at least 20 percent of the units for homeless households.'' *Id.* § 960.6(b)(4)(iv)(D). The interim final rule restates this provision in order to clarify the language. No substantive change is intended. The revised language omits the express exclusion of overnight shelters contained in the current language, because it is clear that overnight shelters do not come within the category of housing permitting a minimum of six months occupancy.

5. Scoring Criterion for Economic Diversity—Section 960.6(b)(4)(iv)(F)(*8*)

Under § 960.6(b)(4)(iv)(F)(*8*) of the current AHP regulation, applications for AHP subsidy may receive points for meeting the ''Economic Diversity'' scoring criterion if they involve the creation of housing that either: (1) is part of a strategy to end isolation of very low-income households by providing economic diversity through mixed-income housing in low- or moderate-income neighborhoods, or (2) provides very low- or low- or moderate-income households with housing opportunities in areas where the median household income exceeds 80 percent of the median income for the area. *Id.* § 960.6(b)(4)(iv)(F)(*8*).

One of the Banks has pointed out an ambiguity in the second alternative described above, which makes that alternative unworkable. Specifically, assuming the word ''area'' refers to the same area each time it appears in the following phrase, it will always be the case that a project provides ''housing opportunities in areas where the median household income exceeds 80 percent of the median income for the area,'' because the median income for an area, by definition, always exceeds 80 percent of the median income for that area.

The general intent of the second alternative requirement in the ''Economic Diversity'' criterion is to promote housing opportunities for very low- and low- or moderate-income households in areas that are wealthier relative to the surrounding areas. Therefore, the interim final rule revises the second alternative to provide that applications may receive points for ''Economic Diversity'' if they involve the creation of housing that provides very low- or low- or moderate-income households with housing opportunities in neighborhoods or cities where the median income exceeds the median income for the larger area—such as the city, county, or Primary Metropolitan Statistical Area—in which the neighborhood or city is located.

6. Scoring Criterion for Community Involvement—Section 960.6(b)(4)(iv)(F)(*10*)

Under § 960.6(b)(4)(iv)(F)(*10*) of the current AHP regulation, an application for AHP subsidy may receive points for meeting the ''Community Involvement'' scoring criterion if it shows demonstrated support for the AHP project by local government, community organizations, or individuals, other than as project sponsors, through the commitment by such entities or individuals of donated goods and services, or volunteer labor. *Id.* § 960.6 (b)(4)(iv)(F)(*10*). Several of the Banks have requested clarification of what constitutes a donated good or service from a local government. For example, local governments may provide support to housing projects in the form of property tax deferment or abatement, zoning changes or variances, infrastructure improvements, or fee waivers. Each of these forms of local government initiatives constitutes the kind of non-cash support for the project that merits scoring credit under the ''Community Involvement'' criterion. Therefore, the interim final rule specifies that these items and any similar types of non-cash support for a project by local government are to be

considered under the ''Community Involvement'' criterion.

E. Modifications of Applications—Sections 960.7 and 960.9

Sections 960.7 and 960.9 of the current AHP regulation govern modifications to approved AHP applications prior to and subsequent to project completion, respectively. *See id.* § § 960.7, 960.9. Each of these sections provides that as a threshold requirement for the approval of a modification, it must be shown that ''there is or will be a change in the project that materially affects the facts under which the application was originally scored and approved under the Bank's competitive application program * * * .'' *See id.* § § 960.7(a), 960.9. A number of the Banks have requested clarification of what constitutes a ''material change'' affecting the facts under which the application was originally scored and approved. Accordingly, the interim final rule revises § § 960.7 and 960.9 of the current AHP regulation by replacing the ''material change'' requirement with language clarifying that a modification is triggered where there is or will be a change to a project that would change the score that the project application received in the funding period in which it was originally scored and approved, had the changed facts been operative at that time.

F. Use of Repaid Subsidies—Section 960.12(e)

Under §§ 960.12(a) and (b) of the current AHP regulation, which set forth the requirements for the recovery of AHP subsidy in cases of noncompliance with AHP requirements, interest on AHP subsidies must be recovered, where appropriate. *See id.* § 960.12(a), (b). Section 960.12(e) of the current AHP regulation provides that amounts repaid to a Bank as a result of noncompliance with AHP requirements shall be made available for other AHP-eligible projects. *See id.* § 960.12(e). The interim final rule clarifies that any recovered interest on such amounts also must be made available for other AHP-eligible projects.

G. Agreements—Section 960.13

1. Retention Agreements for Owner-Occupied Units Constructed or Rehabilitated With AHP-Assisted Financing—Sections 960.13(c)(4) and (d)(1)

Section 960.13(c)(4) of the current AHP regulation sets forth the required elements for retention agreements for AHP-assisted owner-occupied units financed by a loan from the proceeds of a subsidized advance. *See id.* § 960.13(c)(4). Specifically, it requires such units to be subject to a deed restriction or other legally enforceable retention agreement or mechanism requiring that: (1) the Bank or its designee is to be given notice of any sale or refinancing of the unit occurring prior to the end of the retention period; and (2) in the case of a refinancing prior to the end of the retention period, the full amount of the interest rate subsidy received by the owner, based on the pro rata portion of the interest rate subsidy imputed to the subsidized advance during the period the owner occupied the unit prior to refinancing, shall be repaid to the Bank from any net gain realized upon the refinancing, unless the unit continues to be subject to a deed restriction or other legally enforceable retention agreement or mechanism for the remainder of the 5-year retention period. *See id.*

The retention agreement described in § 960.13(c)(4) is intended to be used in situations where a member uses the proceeds of a subsidized advance to provide permanent financing for the purchase of individual units. Because each permanent loan is funded by a subsidized advance, the permanent loan incorporates some level of interest rate subsidy that the household purchasing a unit benefits from during the term of the loan. Thus, there is a direct link between the subsidized advance and the permanent financing for the unit.

Section 960.13(c)(4) does not address the situation where a member uses a subsidized advance to finance a loan to a housing developer to build or rehabilitate owner-occupied units, which then are purchased by households with permanent financing from another source. In this situation, the purchaser essentially receives a pro rata portion of the interest rate subsidy in the construction or rehabilitation loan in the form of a lump-sum reduction in the purchase price resulting from the subsidized financing. The amount of the reduction in the purchase price can be determined by spreading the total value of the AHP subsidy across all the units financed by the construction or rehabilitation loan, and apportioning the subsidy on a pro rata basis based upon the relative prices of the units. In effect, the units are financed with AHP subsidy in a similar manner to units purchased by homebuyers who receive a direct subsidy in the form of downpayment assistance.

Under § 960.13(d)(1) of the current AHP regulation, where a purchaser uses a direct subsidy in the form of downpayment assistance to purchase a unit, the unit must be subject to a deed restriction or other legally enforceable retention agreement or mechanism requiring that: (1) The Bank or its designee is to be given notice of any sale or refinancing of the unit occurring prior to the end of the retention period; (2) in the case of a sale prior to the end of the retention period, an amount equal to a pro rata share of the direct subsidy, reduced for every year the seller owned the unit, shall be repaid to the Bank from any net gain realized upon the sale of the unit after deduction for sales expenses, unless the purchaser is a low- or moderate-income household; and (3) in the case of a refinancing prior to the end of the retention period, an amount equal to a pro rata share of the direct subsidy, reduced for every year the occupying household has owned the unit, shall be repaid to the Bank from any net gain realized upon the refinancing, unless the unit continues to be subject to a deed restriction or other legally enforceable retention agreement or mechanism for the remainder of the retention period. *See id.* § 960.13(d)(1).

In sum, the AHP interest rate subsidy in a construction or rehabilitation loan can be viewed as the functional equivalent of a lump-sum reduction in the ultimate purchase prices of all the units financed by such loan. This is similar to the situation where units are purchased by homebuyers who receive a direct subsidy in the form of downpayment assistance. Therefore, the Finance Board proposes to add a new paragraph (c)(4)(ii) to § 960.13(c)(4) of the current AHP regulation requiring owner-occupied units financed by AHP-subsidized construction or rehabilitation loans to be subject to retention agreements similar to those required by § 960.13(d)(1) for owner-occupied units financed by a direct subsidy.

The interim final rule also revises the language of § 960.13(d)(1) to address situations parallel to those discussed above, but which involve an AHP direct subsidy. For example, in some situations, a housing developer may receive the proceeds of a direct subsidy to finance the construction or rehabilitation of owner-occupied units, which then are purchased by households with permanent financing from another source. As in the case where such units are constructed or rehabilitated with an AHP-subsidized loan, the purchasers of the units essentially receive a pro rata portion of the direct subsidy used to finance the construction or rehabilitation of the units, in the form of a lump-sum reduction in the units' purchase price. The interim final rule is intended to make clear that, although the purchasers

of the units do not directly receive the proceeds of the direct subsidy, the units must be subject to AHP retention/recapture mechanisms.

2. Termination of AHP Income-Eligibility and Affordability Restrictions After Foreclosure—Sections 960.13(c)(5)(iv) and (d)(2)(iv)

Under §§ 960.13(c)(5)(iv) and (d)(2)(iv) of the current AHP regulation, a retention agreement for an AHP rental project must incorporate a provision providing that the income-eligibility and affordability restrictions applicable to the project may terminate upon foreclosure or transfer in lieu of foreclosure. *See id.* §§ 960.13(c)(5)(iv), (d)(2)(iv). The purpose of this provision is to ensure that in cases where an AHP project goes into foreclosure, the AHP income-eligibility and affordability restrictions do not impede transfer of the project after foreclosure. As currently worded, §§ 960.13(c)(5)(iv) and (d)(2)(iv) could be read mistakenly to mean that upon the initiation of foreclosure, AHP income-eligibility and affordability restrictions automatically terminate. This is not the intended meaning of these provisions. Rather, the Finance Board intends that AHP income-eligibility and affordability restrictions incorporated in any lien on a project will be extinguished in the foreclosure process in connection with the repayment, if any, of AHP subsidy. Similarly, the Finance Board intends that any deed restriction on the project incorporating AHP income-eligibility and affordability requirements will be extinguished after foreclosure. Consequently, the interim final rule replaces the word ''upon'' in §§ 960.13(c)(5)(iv) and (d)(2)(iv) of the current AHP regulation with ''after,'' so that the regulation provides for the termination of AHP income-eligibility and affordability restrictions after foreclosure.

In addition, the interim final rule deletes the reference to transfers in lieu of foreclosure, because transfers in lieu of foreclosure do not extinguish liens on the property transferred other than the lien of the transferee. Consequently, when an AHP project is transferred in lieu of foreclosure, the transferee must foreclose on the project to remove any remaining AHP lien and the income-eligibility and affordability restrictions incorporated in the lien. After such foreclosure, §§ 960.13(c)(5)(iv) and (d)(2)(iv) provide for the termination of the AHP income-eligibility and affordability restrictions. The interim final rule adds similar language to the provisions of the AHP regulation governing retention agreements for AHP-assisted owner-occupied projects. *See id.* §§ 960.13(c)(4), (d)(1).

III. Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this regulation, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

List of Subjects in 12 CFR Part 960

Credit, Federal home loan banks, Housing, Reporting and recordkeeping requirements. Accordingly, the Finance Board hereby amends title 12, chapter IX, part 960, *Code of Federal Regulations,* as follows.

PART 960—AFFORDABLE HOUSING PROGRAM

1. The authority citation for part 960 continues to read as follows:

Authority: 12 U.S.C. 1430(j).

2. Amend § 960.1, by revising the definitions of ''Affordable'', ''Low-or moderate-income household'' paragraph (2)(ii), ''Owner-occupied unit'', ''Rental project'', and ''Very low-income household'' paragraph (2)(ii) to read as follows:

§ 960.1 Definitions.

* * * * *

Affordable means that the rent charged for a unit which is to be reserved for occupancy by a household with an income at or below 80 percent of the median income for the area, does not exceed 30 percent of the income of a household of the maximum income and size expected, under the commitment made in the AHP application, to occupy the unit (assuming occupancy of 1.5 persons per bedroom or 1.0 person per unit without a separate bedroom).

* * * * *

Low- or moderate-income household.

* * * * *

(2) * * *

(ii) *Housing with current occupants.* In the case of projects involving the purchase or rehabilitation of rental housing with current occupants, *low- or moderate-income household* means an occupying household with an income at or below 80 percent of the median income for the area at the time an application for AHP subsidy is submitted to the Bank.

* * * * *

Owner-occupied unit means a unit in an owner-occupied project. Housing with two to four dwelling units consisting of one owner-occupied unit and one or more rental units shall be considered a single owner-occupied unit.

Rental project means a project involving the purchase, construction, or rehabilitation of rental housing, including overnight shelters and transitional housing for homeless households and mutual housing, where at least 20 percent of the units in the project are occupied by and affordable for very low-income households.

* * * * *

Very low-income household.

* * * * *

(2) * * *

(ii) *Housing with current occupants.* In the case of projects involving the purchase or rehabilitation of rental housing with current occupants, *very low-income household* means an occupying household with an income at or below 50 percent of the median income for the area at the time an application for AHP subsidy is submitted to the Bank.

* * * * *

3. Section 960.4 is amended by revising paragraph (d) to read as follows:

§ 960.4 Advisory Councils.

* * * * *

(d) *Terms of Advisory Council members.* Advisory Council members shall be appointed by the Bank's board of directors to serve for terms of three years, and such terms shall be staggered to provide continuity in experience and service to the Advisory Council. An Advisory Council member appointed to fill a vacancy shall be appointed for the unexpired term of his or her predecessor in office. No Advisory Council member may be appointed to serve for more than three consecutive terms. Appointments for the unexpired term of a predecessor shall not count toward the three-term limit.

* * * * *

4. Section 960.5 is amended by revising paragraphs (b)(9), (b)(10)(i)(C), and (b)(10)(ii) to read as follows:

§ 960.5 Minimum eligibility standards for AHP projects.

* * * * *

(b) * * *

(9) *Fair housing.* The project, as proposed, must comply with applicable federal and state laws on fair housing and housing accessibility, including, but not limited to, the Fair Housing Act, the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Architectural Barriers Act of 1969, and must demonstrate how the project will be affirmatively marketed.

(10) *District eligibility requirements.*

(i) * * *

(C) A requirement that the member submitting the application has made use of a minimum amount of a credit

product offered by the Bank, other than AHP or CIP credit products, within the previous 12 months, provided that such a minimum threshold for credit product usage established by a Bank shall not exceed 1.5 percent of a member's total assets, and all members shall have access to some amount of AHP subsidy, as determined by the Bank, regardless of whether they meet the Bank's minimum threshold for credit product usage.

(ii) Any limit on the amount of AHP subsidy available per member must result in equal amounts of AHP subsidy available to all members.

5. Section 960.6 is amended by revising the second sentence of paragraph (b)(4)(ii), the fourth sentence of paragraph (b)(4)(iii), and paragraphs (b)(4)(iv)(A), (b)(4)(iv)(C)(*2*), (b)(4)(iv)(D), (b)(4)(iv)(F)(*8*), and (b)(4)(iv)(F)(*10*) to read as follows:

§ 960.6 Procedure for approval of applications for funding.

* * * * *

(b) * * *

(4) * * *

(ii) *Point allocations.* * * * The scoring criterion for targeting identified in paragraph (b)(4)(iv)(C) of this section shall be allocated at least 20 points. * * *

(iii) *Satisfaction of scoring criteria.* * * * A Bank shall designate the targeting and subsidy-per-unit scoring criteria identified in paragraphs (b)(4)(iv)(C) and (H), respectively, of this section as variable-point criteria. * * *

(iv) * * *

(A) *Use of donated government-owned or other properties.* The creation of housing using a significant proportion of units or land donated or conveyed for a nominal price by the federal government or any agency or instrumentality thereof, or by any other party. For purposes of this paragraph, a nominal price is a small, negligible amount, most often one dollar, and may be accompanied by modest expenses related to the conveyance of the property for use by the project.

* * * * *

(C) * * *

(*2*) *Owner-occupied projects.* Applications for owner-occupied projects shall be awarded points based on a declining scale, with projects having the highest percentage of units targeted to households with the lowest percentage of median income for the area awarded the highest number of points.

* * * * *

(D) *Housing for homeless households.* The creation of rental housing reserving at least 20 percent of the units for homeless households, or the creation of transitional housing for homeless households permitting a minimum of six months occupancy.

* * * * *

(F) * * *

(*8*) *Economic diversity.* The creation of housing that is part of a strategy to end isolation of very low-income households by providing economic diversity through mixed-income housing in low- or moderate-income neighborhoods, or providing very low-or low- or moderate-income households with housing opportunities in neighborhoods or cities where the median income exceeds the median income for the larger surrounding area—such as the city, county, or Primary Metropolitan Statistical Area—in which the neighborhood or city is located;

* * * * *

(*10*) *Community involvement.* Demonstrated support for the project by local government, other than as a project sponsor, in the form of property tax deferment or abatement, zoning changes or variances, infrastructure improvements, fee waivers, or other similar forms of non-cash assistance, or demonstrated support for the project by community organizations or individuals, other than as project sponsors, through the commitment by such entities or individuals of donated goods and services, or volunteer labor;

* * * * *

6. Section 960.7 is amended by revising paragraph (a) to read as follows:

§ 960.7 Modifications of applications prior to project completion.

(a) *Modification procedure.* If, prior to final disbursement of funds to a project from all funding sources, there is or will be a change in the project that would change the score that the project application received in the funding period in which it was originally scored and approved, had the changed facts been operative at that time, a Bank, in its discretion, may approve in writing a modification to the terms of the approved application, provided that:

* * * * *

7. Section 960.9 is amended by revising the introductory text to read as follows:

§ 960.9 Modifications of applications after project completion.

Modification procedure. If, after final disbursement of funds to a project from all funding sources, there is or will be a change in the project that would change the score that the project application received in the funding period in which it was originally scored and approved, had the changed facts been operative at that time, a Bank, in its discretion, may approve in writing a modification to the terms of the approved application, provided that:

* * * * *

8. Section 960.12 is amended by revising paragraph (e) to read as follows:

§ 960.12 Remedial actions for noncompliance.

* * * * *

(e) *Use of repaid subsidies.* Amounts repaid to a Bank pursuant to this section, including any interest, shall be made available for other AHP-eligible projects.

* * * * *

9. Section 960.13 is amended by revising paragraphs (c)(4), (c)(5)(iv), (d)(1), and (d)(2)(iv) to read as follows:

§ 960.13 Agreements.

* * * * *

(c) * * *

(4) *Retention agreements for owner-occupied units.* (i) *Units with AHP-assisted permanent financing.* The member shall ensure that an owner-occupied unit with permanent financing obtained from the proceeds of a subsidized advance is subject to a deed restriction or other legally enforceable retention agreement or mechanism requiring that:

(A) The Bank or its designee is to be given notice of any sale or refinancing of the unit occurring prior to the end of the retention period;

(B) In the case of a refinancing prior to the end of the retention period, the full amount of the interest rate subsidy received by the owner, based on the pro rata portion of the interest rate subsidy imputed to the subsidized advance during the period the owner occupied the unit prior to refinancing, shall be repaid to the Bank from any net gain realized upon the refinancing, unless the unit continues to be subject to a deed restriction or other legally enforceable retention agreement or mechanism described in this paragraph (c)(4)(i); and

(C) The obligation to repay AHP subsidy to the Bank shall terminate after any foreclosure.

(ii) *Units constructed or rehabilitated with AHP-assisted financing.* The member shall ensure that an owner-occupied unit constructed or rehabilitated with a loan from the proceeds of a subsidized advance but which does not have permanent financing from the proceeds of a subsidized advance, is subject to a deed restriction or other legally enforceable retention agreement or mechanism requiring that:

(A) The Bank or its designee is to be given notice of any sale or refinancing of the unit occurring prior to the end of the retention period;

(B) In the case of a sale prior to the end of the retention period, an amount equal to the pro rata portion of the interest rate subsidy imputed to the subsidized advance that financed the construction or rehabilitation loan for the unit, reduced for every year the seller owned the unit, shall be repaid to the Bank from any net gain realized upon the sale of the unit after deduction for sales expenses, unless the purchaser is a low- or moderate-income household;

(C) In the case of a refinancing prior to the end of the retention period, an amount equal to the pro rata portion of the interest rate subsidy imputed to the subsidized advance that financed the construction or rehabilitation loan for the unit, reduced for every year the owner occupied the unit, shall be repaid to the Bank from any net gain realized upon the refinancing, unless the unit continues to be subject to a deed restriction or other legally enforceable retention agreement or mechanism described in this paragraph (c)(4)(ii); and

(D) The obligation to repay AHP subsidy to the Bank shall terminate after any foreclosure.

(5) * * *

(iv) The income-eligibility and affordability restrictions applicable to the project terminate after any foreclosure.

* * * * *

(d) *Special provisions where members obtain direct subsidies.* (1) *Retention agreements for owner-occupied units.* The member shall ensure that an owner-occupied unit that is purchased, constructed, or rehabilitated with the proceeds of a direct subsidy is subject to a deed restriction or other legally enforceable retention agreement or mechanism requiring that:

(i) The Bank or its designee is to be given notice of any sale or refinancing of the unit occurring prior to the end of the retention period;

(ii) In the case of a sale prior to the end of the retention period, an amount equal to a pro rata share of the direct subsidy that financed the purchase, construction, or rehabilitation of the unit, reduced for every year the seller owned the unit, shall be repaid to the Bank from any net gain realized upon the sale of the unit after deduction for sales expenses, unless the purchaser is a low- or moderate-income household;

(iii) In the case of a refinancing prior to the end of the retention period, an amount equal to a pro rata share of the direct subsidy that financed the purchase, construction, or rehabilitation of the unit, reduced for every year the occupying household has owned the unit, shall be repaid to the Bank from any net gain realized upon the refinancing, unless the unit continues to be subject to a deed restriction or other legally enforceable retention agreement or mechanism described in this paragraph (d)(1); and

(iv) The obligation to repay AHP subsidy to the Bank shall terminate after any foreclosure.

(2) * * *

(iv) The income-eligibility and affordability restrictions applicable to the project terminate after any foreclosure.

* * * * *

Dated: April 22, 1998.

By the Board of Directors of the Federal Housing Finance Board.

Bruce A. Morrison,

Chairman.

[FR Doc. 98–13428 Filed 5–19–98; 8:45 am]

BILLING CODE 6725–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–13–AD; Amendment 39–10535; AD 98–11–08]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A300, A310, and A300–600 series airplanes, that requires replacement of the non-return valves located in the engine fuel feed lines on the outer fuel tank with new return valves; and, for certain airplanes, replacement of the inner tank booster pump canisters with modified canisters. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent sticking of non-return valves located in the fuel system, which could result in an internal fuel transfer from the center tank to the inner or outer tank. Such a transfer of fuel could lead to fuel spillage overboard through the vent system, and consequent insufficient fuel for the airplane to reach its flight destination.

DATES: Effective June 24, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 24, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Airbus Model A300, A310, and A300–600 series airplanes was published in the **Federal Register** on March 27, 1998 (63 FR 14849). That action proposed to require replacement of the non-return valves located in the engine fuel feed lines on the outer fuel tank with new return valves; and, for certain airplanes, replacement of the inner tank booster pump canisters with modified canisters.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 103 Model A300, A310, and A300–600 series airplanes of U.S. registry will be affected by this AD.

The FAA estimates that the required replacement of the non-return valves will take approximately 66 work hours

per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts will be supplied by the manufacturer at no cost to the operators. Based on these figures, the cost impact of this action required by this AD on U.S. operators is estimated to be $407,880, or $3,960 per airplane.

The FAA estimates that the required replacement of the inner fuel tank booster pump canisters will take approximately 12 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts will be supplied by the manufacturer at no cost to the operators. Based on these figures, the cost impact of this action required by this AD on U.S. operators is estimated to be $74,160, or $720 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

98–11–08 Airbus Industrie: Amendment 39–10535. Docket 98–NM–13–AD.

Applicability: Model A300, A310, and A300–600 series airplanes; on which Airbus Modification 8928 or 6094 has not been installed; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent sticking of non-return valves located in the fuel system, which could result in fuel spillage overboard and consequent insufficient fuel for the airplane to reach its flight destination, accomplish the following:

(a) Within 18 months after the effective date of this AD, accomplish paragraphs (a)(1) and (a)(2) of this AD, as applicable.

(1) For airplanes on which Airbus Modification 8928 has not been installed: Replace the non-return valves located in the engine fuel feed lines on the outer fuel tank with new non-return valves, in accordance with Airbus Service Bulletin A300–28–0063, Revision 01 (for Model A300 series airplanes); Airbus Service Bulletin A310–28–2053, Revision 01 (for Model A310 series airplanes); or Airbus Service Bulletin A300–28–6031, Revision 01 (for Model A300–600 series airplanes); all dated January 15, 1997; as applicable.

(2) For extended range twin-engine operations (ETOPS) airplanes, or airplanes equipped with auxiliary tanks; on which Airbus Modification 6094 has not been installed: Replace the inner tank booster pump canisters with modified canisters, in accordance with Airbus Service Bulletin A300–28–0071 (for Model A300 series airplanes); A310–28–2124 (for Model A310 series airplanes); or A300–28–6054 (for Model A300–600 series airplanes); all dated January 15, 1997; as applicable.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The actions shall be done in accordance with the following Airbus Service Bulletins, as applicable:

- A300–28–0063, Revision 01, dated January 15, 1997;
- A310–28–2053, Revision 01, dated January 15, 1997;
- A300–28–6031, Revision 01, dated January 15, 1997;
- A300–28–0071, dated January 15, 1997;
- A310–28–2124, dated January 15, 1997; and
- A300–28–6054, dated January 15, 1997.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in French airworthiness directive 97–082–215(B), dated March 12, 1997.

(e) This amendment becomes effective on June 24, 1998.

Issued in Renton, Washington, on May 13, 1998.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–13292 Filed 5–19–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–34–AD; Amendment 39–10536; AD 98–11–09]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain EMBRAER Model EMB–145 series airplanes, that requires a one-time visual inspection of the pilot valve harness tubes for bulges and cracks, cleaning the tubes, applying sealant at the tube end opening, and replacing any discrepant tubes with serviceable tubes. This amendment also requires replacement of the pilot valve harness tubes and vent valve tubes with new tubes having improved anti-corrosion protection. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent cracking of the pilot valve harness tubes, which could allow fuel to enter the conduit and leak overboard; this condition could result in increased risk of a fuel tank explosion and fire.

DATES: Effective June 24, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 24, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the **Federal Register**, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Rob Capezzuto, Aerospace Engineer, ACE–115A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30337–2748; telephone (770) 703–6071; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain EMBRAER Model EMB–145 series airplanes was published in the **Federal Register** on March 27, 1998 (63 FR 14853). That action proposed to require a one-time visual inspection of the pilot valve harness tubes for bulges and cracks, cleaning the tubes, applying sealant at the tube end opening, and replacing any discrepant tubes with serviceable tubes. That action also proposed to require replacement of the pilot valve harness tubes and vent valve tubes with new tubes having improved anti-corrosion protection.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 15 airplanes of U.S. registry will be affected by this AD.

It will take approximately 2 work hours per airplane to accomplish the required inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspection required by this AD on U.S. operators is estimated to be $1,800, or $120 per airplane.

It will take approximately 8 work hours per airplane to accomplish the required replacement, at an average labor rate of $60 per work hour. Required parts will be provided by the manufacturer at no cost to the operator. Based on these figures, the cost impact of the replacement required by this AD on U.S. operators is estimated to be $7,200, or $480 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

98–11–09 Empresa Brasileira De Aeronautica S.A. (Embraer): Amendment 39–10536. Docket 98–NM–34–AD.

Applicability: Model EMB–145 series airplanes; as listed in EMBRAER Service Bulletin 145–28–0005, dated May 23, 1997, and EMBRAER Service Bulletin 145–28–0006, dated October 22, 1997; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For

airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent cracking of the pilot valve harness tubes, which could allow fuel to enter the conduit and leak overboard, and result in increased risk of a fuel tank explosion and fire, accomplish the following:

(a) Within 30 calendar days or 200 hours time-in-service after the effective date of this AD, whichever occurs later, perform a one-time visual inspection of the pilot valve harness tubes (conduit) for bulges and cracks, in accordance with the Accomplishment Instructions of EMBRAER Service Bulletin 145–28–0005, dated May 23, 1997.

(1) If no discrepancy is found in the harness tube, prior to further flight, clean the tube and apply sealant at the tube end opening in accordance with the service bulletin.

(2) If any crack or bulge is found in the harness tube, prior to further flight, replace the tube with a new or serviceable tube, clean the tube, and apply sealant at the tube end opening in accordance with the service bulletin.

(b) Within 4,000 hours time-in-service after the effective date of this AD, replace the existing pilot valve harness tubes and vent valve tubes with new tubes, in accordance with EMBRAER Service Bulletin 145–28–0006, dated October 22, 1997.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The actions shall be done in accordance with EMBRAER Service Bulletin 145–28–0005, dated May 23, 1997, and EMBRAER Service Bulletin 145–28–0006, dated October 22, 1997. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Brazilian airworthiness directive 97–07–02R1, dated January 15, 1998.

(f) This amendment becomes effective on June 24, 1998.

Issued in Renton, Washington, on May 13, 1998.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–13313 Filed 5–19–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 202, 216, and 250

RIN 1010–AC23

Royalties on Gas, Gas Analysis Reports, Oil and Gas Production Measurement, Surface Commingling, and Security

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rulemaking; corrections.

SUMMARY: MMS published in the **Federal Register** of May 12, 1998, a final rule commonly known as the ''GVS rule'' that updated production measurement, surface commingling, and security requirements and made other amendments. The final rule was to become effective on July 13, 1998. This document corrects the effective date and makes two other technical corrections to the final rule. The rule will become effective on June 29, 1998.

EFFECTIVE DATES: The rule published on May 12, 1998 (63 FR 26362) is effective May 12, 1998.

FOR FURTHER INFORMATION CONTACT: Kumkum Ray, Engineering and Operations Division at (703) 787–1600.

SUPPLEMENTARY INFORMATION: MMS needs the correction to the effective date of the GVS rule to ensure that the revised title 30 of the Code of Federal Regulations slated for publication on July 1, 1998 (i.e., the bound volume) includes the new numbering system in the final rule entitled, ''Redesignation of 30 CFR Part 250'' which follows the GVS final rule. We are also making two corrections: (1) A paragraph numbering correction and (2) a correction to specify a regulatory citation. In the final rule FR Doc. 98–3533, published in the issue of Tuesday, May 12, 1998, make the following corrections.

Corrections

1. On page 26362 in the preamble the effective date is corrected to read as follows:

[**EFFECTIVE DATES:** June 29, 1998]. The Director of the Federal Register has approved the incorporation by reference of certain publications listed in the regulations as of June 29, 1998.

2. On page 26367 in the third column in § 250.1(a) on the third line ''paragraph (d)'' is corrected to read ''paragraph (e).''

3. On page 26372 in the third column in § 250.182(g) at the end of the introductory text, ''30 CFR 250, Subpart A:'' is corrected to read ''30 CFR 250.1:''

Dated: May 13, 1998.

E.P. Danenberger,

Chief, Engineering and Operations Divisions.

[FR Doc. 98–13275 Filed 5–19–98; 8:45 am]

BILLING CODE 4310–MR–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 Part 199

RIN 0720–AA43

[DoD 6010.8–R]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Waiver of Collection of Payments Due From Certain Persons Unaware of Loss of CHAMPUS Eligibility

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: This final rule authorizes the waiver of collection of payments due from individuals who lost their CHAMPUS eligibility when they became eligible for Medicare Part A, due to disability or end stage renal disease.

EFFECTIVE DATE: This final rule is effective June 19, 1998.

ADDRESSES: TRICARE Management Activity, 1B657 Pentagon, Washington, DC 20301–1200.

FOR FURTHER INFORMATION CONTACT: Cynthia P. Speight, TRICARE Management Activity, (703) 697–8975.

SUPPLEMENTARY INFORMATION:

I. Overview of the Final Rule

Formerly, under Title 10 United States Code, Section 1086(d), a beneficiary lost eligibility for CHAMPUS when he or she became eligible for Medicare Part A, including when eligibility was due to disability or

end stage renal disease. Payments made after the beneficiary attained eligibility for Medicare Part A were erroneous payments and subject to collection under the Federal Claims Collection Act. In 1991, Congress amended 10 U.S.C. 1086(d) to provide that those persons eligible for Medicare by reason of disability or end stage renal disease who are enrolled in the supplementary medical insurance program under Medicare Part B retain eligibility for CHAMPUS, secondary to Medicare coverage. Section 743 of the National Defense Authorization Act for Fiscal Year 1996, Pub. L. 104–106, provides authority, effective February 10, 1996, to waive the collection of erroneous civilian health care benefits from a person under age 65 who lost eligibility for civilian care due to eligibility for Medicare as a result of disability or end stage renal disease. The period of this waiver authority begins January 1, 1967, and ends on the later of July 1, 1996, or the termination date of any special enrollment Medicare period established by law for such person.

Since most payments made under CHAMPUS are paid directly to participating providers of care, and not to the beneficiary, the rule also provides for the waiver of collection of such payments made to participating providers. These providers are paid based on a contractual agreement of benefits by the beneficiaries. If the claim for these benefits cannot be paid due to ineligibility of the beneficiary, the beneficiary indebtedness to the provider would remain. Thus, the authority to relieve disabled CHAMPUS beneficiaries from the indebtedness arising from these erroneous payments does not depend upon who actually received the payments.

II. Public Comments

The proposed rule was published on December 4, 1997 (62 FR 64191). We did not receive any public comments.

III. Rulemaking Procedures

Executive Order 12866 requires that a regulatory impact analysis be performed on any significant regulatory action, defined as one which would have an annual effect on the economy of $100 million, or have other significant effects.

The Regulatory Flexibility Act requires that each federal agency prepare a regulatory flexibility analysis when the agency issues regulations which would have a significant impact on a substantial number of small entities. This rule is not significant regulatory action under E.O. 12886, nor would it have a significant impact on small entities. The changes set forth in the final rule are minor revisions to the existing regulation. In addition, this final rule does not impose new information collection requirements for purposes of the Paperwork Reduction Act of 1995.

List of Subjects in 32 CFR Part 199

Claims, Handicapped, Health insurance, Military personnel.

PART 199—[AMENDED]

Accordingly, 32 CFR Part 199 is amended a follows:

1. The authority citation for part 199 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. Chapter 55.

2. Section 199.11 is amended as follows:

a. By revising paragraphs (b)(1) and (g) introductory heading.

b. By redesignating paragraphs (g)(3), (g)(4), (g)(5), (g)(6), (g)(7), (g)(8) and (g)(9) as (g)(4), (g)(5), (g)(6), (g)(7), (g)(8), (g)(9) and (g)(10).

c. By adding paragraph (g)(3) and revising newly redesignated paragraph (g)(10).

§ 199.11 Overpayments recovery.

* * * * *

(b) * * *

(1) *Federal statutory authority.* The Federal Claims Collection Act provides the basic authority under which claims may be asserted pursuant to this section. It is implemented by joint regulations issued by the Department of Justice and the General Accounting Office, 4 CFR parts 101–105. Thereunder, the heads of federal agencies or their designees are required to attempt collection of all claims of the United States for money or property arising out of the activities of their respective agencies. These officials may, with respect to claims that do not exceed $20,000, exclusive of interest, and in conformity with the standards promulgated in the joint regulations, compromise, suspend, or terminate collection action on such claims. Section 743 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106) authorizes the waiver (see paragraph (g)(3) of this section) of collection of overpayments otherwise due from a person after the termination of the person's CHAMPUS eligibility, because the person became eligible for Medicare Part A by reason of disability or end-stage renal disease.

* * * * *

(g) *Compromise, waiver, suspension or termination of collection actions arising under the Federal Claims Collection Act.* * * *

* * * * *

(3) *Waiver of collection of erroneous payments due from certain persons unaware of loss of CHAMPUS eligibility.*

(i) The Director, OCHAMPUS may waive collection of payments otherwise due from certain persons as a result of health benefits received under this part after the termination of the person's eligibility for such benefits. Waiver may be granted if collection of such payments would be against equity and good conscience and not in the best interest of the United States. These criteria are met by a finding that there is no indication of fraud, misrepresentation, fault, or lack of good faith on the part of the person who received the erroneous payment or any other person having an interest in obtaining such waiver.

(ii) *Persons eligible for waiver.* The following persons are eligible for waiver:

(A) A person who:

(1) Is entitled to Medicare Part A by reason of disability or end stage renal disease;

(2) In the absence of such entitlement, would have been eligible for CHAMPUS under 10 U.S.C. 1086; and

(3) At the time of the receipt of such benefits, was under age 65.

(B) Any participating provider of care who received direct payment for care provided to a person described in paragraph (g)(ii)(A) of this section pursuant to an assignment of benefits from such person.

(iii) The authority to waive collection of payments under this section shall apply with regard to health benefits provided during the period beginning January 1, 1967, and ending on the later of: the termination date of any special enrollment period for Medicare Part B provided specifically for such persons; or July 1, 1996.

* * * * *

(10) *Effect of compromise, waiver, suspension or termination of collection action.* Pursuant to the Internal Revenue Code, 26 U.S.C. 6041, compromises and terminations of undisputed debts not discharged in a Title 11 bankruptcy case and totaling $600 or more for the year will be reported to the Internal Revenue Service in the manner prescribed for inclusion in the debtor's gross income for that year. Any action taken under paragraph (g) of this section regarding the compromise of a federal claim, or waiver or suspension or termination of collection action on a federal claim is not an initial determination for purposes of the appeal procedures § 199.10.

* * * * *

Dated: May 14, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–13377 Filed 5–19–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD1–95–002]

RIN 2115–AE47

Drawbridge Operation Regulations; New Rochelle Harbor, NY

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulations governing the Glen Island Bridge, mile 0.8, across New Rochelle Harbor in New Rochelle. The change requires two hours advance notice for openings between the hours of 12 midnight and 6 a.m. from May 1 through October 31, and twenty-four hours advance notice between the hours of 8 p.m. and 8 a.m. from November 1 through April 30. This change was requested by the Westchester County Department of Parks because of the few requests for bridge openings during these time periods. This action relieves the bridge owner of the burden of having personnel constantly available to open the bridge and should provide for the reasonable needs of navigation. This change to the regulations will also require the bridge owner to install and maintain clearance gauges.

DATES: This final rule is effective June 19, 1998.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the First Coast Guard District Office, Battery Park Bldg., New York, New York 10004–5073, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (212) 668–7069.

FOR FURTHER INFORMATION CONTACT: Mr. J. Arca, project officer, First Coast Guard District, Bridge Branch. The telephone number is (212) 668–7069.

SUPPLEMENTARY INFORMATION:

Regulatory History

On January 27, 1995, the Coast Guard published a notice of proposed rulemaking entitled ''Drawbridge Operation Regulations; New Rochelle Harbor, NY'' in the **Federal Register** (60 FR 5343). Ninety-eight comments expressing opposition to the proposal were received. No public hearing was requested and none was held. Following revision of the regulation request by Westchester County, the Coast Guard, on May 13, 1996, published a supplemental notice of proposed rulemaking entitled ''Drawbridge Operation Regulations; New Rochelle Harbor, New York'' in the **Federal Register** (61 FR 22002). The Coast Guard received sixteen letters commenting on this supplemental notice of proposed rulemaking. No public hearing was requested, and none was held.

Background

The Glen Island Bridge has a vertical clearance of 13 feet above Mean High Water (MHW) and 20 feet above Mean Law Water (MLW) in the closed position. The bridge is presently required to open on signal. The new regulations will provide openings on signal with two hours advance notice between the hours of 12 midnight and 6 a.m. from May 1 through October 31, and twenty-four hours advance notice between the hours of 8 p.m. and 8 a.m. from November 1 through April 30.

From May 1994, through October 1994, there were thirty two bridge openings between midnight and 6 a.m. From November 1994, through April 1995, there ware twenty openings between 8 p.m. and 8 a.m. The existing regulations are being changed to provide Westchester County relief from having an operator in constant attendance at the bridge since there is limited demand for bridge openings during the regulated periods.

Discussion of Comments and Changes

Sixteen comments were received in response to the supplemental notice of proposed rulemaking. One expressed no objection; one comment from Westchester County Department of Parks endorsed the proposal; fourteen comments objected to the proposal. Of those fourteen, eight objected because of the misconception that the bridge will not open for marine traffic and they will be forced to use the back for channel. The back channel is considered dangerous for nighttime passage due to the shallowness and narrowness of the channel and the lack of lighted aids to navigation. This concern is dispelled since the bridge will open when needed except an advance notice for openings will be required. Additionally, the waterway provides sufficient area for mariners to anchor nearby while waiting for an opening. Three objections expressed concern that approval of the request would lead to further encroachment on the full time operating hours of the bridge. An approved request for change to operating regulations is not a valid basis for subsequent approval of additional changes. In the event that further changes are sought, if warranted the Coast Guard will reinitiate notice and comment rulemaking. All requests to change regulations are examined in light of the reasonable needs of navigation. One objection expressed concern that vessel appurtenances would have to be lowered. 33 CFR 117.11(a) requires that, ''No vessel owner or operator shall (a) Signal a drawbridge to open if the vertical clearance is sufficient to allow the vessel, after all lowerable non-structural vessel appurtenances that are not essential to navigation have been lowered, to safely pass under the drawbridge in the closed position.'' Only those vessel appurtenances that are non-structural and non-essential to navigation have to be lowered in accordance with the law. One commentor requested installation of a marine radio at the bridge. Installation of marine radio is unnecessary since the waterway is strictly recreational and the majority of bridge openings are for sailboats most of which are not equipped with marine radio. Installation of a marine radio will not enhance marine safety and would be an unnecessary economic burden on the bridge owner. The final objection, from the Westchester County Board of Legislators, included a legislative resolution urging denial of the requested change by the Coast Guard based on the deterrent to criminal activity in the adjacent park offered by constant attendance on the bridge. Marine safety concerns were cited as well. Because of opposing views on the regulation change by two elements of Westchester County government, the Coast Guard requested, by letter dated February 26, 1997, that the County Executive reiterate the County's position. By letter March 20, 1997, the Commissioner of the Westchester County Department of Parks, on behalf of the County Executive indicated the County's continued desire to seek the proposed regulation change. A telephone conversation with Parks Commissioner DeSantis on 31 March 1997 provided further confirmation.

The infrequent requests for bridge openings during the regulated period and the ability to obtain bridge openings by providing advance notice makes the requested regulation change reasonable.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs

and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This final rule adopts the operating hours which the Coast Guard believes to be appropriate since the recreational boaters that use this waterway seldom transit during night time and thus, a requirement for the bridge operator to be present during all time periods, is unwarranted. The Coast Guard believes this final rule achieves the requirement of balancing the navigational rights of recreational boaters and the needs of land based transportation.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule will have a significant economic impact on a substantial number of small entities. ''Small entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdiction with populations of less than 50,000. Therefore, for the reasons discussed in the Regulatory Evaluation section above, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under Figure 2–1, paragraph 32(e), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found to not have a significant effect on the environment. A ''Categorical Exclusion Determination'' is not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

Regulation

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—[AMENDED]

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); § 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Add § 117.082 to read as follows:

§ 117.802 New Rochelle Harbor.

(a) The draw of the Glen Island Bridge, mile 0.8, at New Rochelle, New York, shall open on signal, except as follows:

(1) two hours advance notice shall be given for openings from 12 midnight to 6 a.m. from May 1st through October 31st by calling the number posted at the bridge.

(2) twenty-four hours advance notice shall be given for openings from 8 p.m. to 8 a.m. from November 1st through April 30th by calling the number posted at the bridge.

(b) The owner of the bridge shall provide, and keep in good legible condition, clearance gauges with figures not less than twelve (12) inches high designed, installed, and maintained according to the provisions of § 118.160 of this chapter.

Dated: May 6, 1998.

R.M. Larrabee,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 98–13401 Filed 5–19–98; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP SAN JUAN 97–045]

RIN 2115–AA97

SZ; San Juan Harbor, San Juan, Puerto Rico

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a permanent moving safety zone around Liquefied Petroleum Gas (LPG) ships transiting the waters of San Juan Harbor, San Juan, Puerto Rico. Due to their highly volatile cargoes, size, draft, and the local channel restrictions, LPG ships require use of the center of these channels for safe navigation These regulations are necessary for the protection of life and property on the navigable waters of the Untied States.

DATES: This rule becomes effective June 19, 1998.

FOR FURTHER INFORMATION CONTACT: LT Christopher K. Palmer, project officer, USCG Marine Safety Office San Juan, (787) 729–6800 x320.

SUPPLEMENTARY INFORMATION:

Regulatory History

On February 6, 1998, the Coast Guard published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** (63 FR 6142). One comment was received during the comment period.

Background and Purpose

LPG vessels make the three-hour transit through the waters of San Juan Harbor on the average of once a week. Historically, the Coast Guard has established a temporary moving safety zone each time an LPG ship transits the waters of San Juan Harbor. These vessels use the Bar, Anegado, and Army Terminal Channels enroute to either the Gulf Refinery Oil dock or the Catano Oil dock. Temporary moving safety zones are established for each transit because of the significant risks LPG ships present with their highly volatile cargoes, their size, draft, and the local channel restrictions which require that LPGs use the center of the channel for safe navigation. Given the recurring nature of these port calls, the dangers associated with LPG ships, and the need to provide for the safety of live on navigable waters during the arrival and departure of LPG ships, the Coast Guard is establishing a permanent moving safety zone around these vessels during their arrival and departure from San Juan Harbor, San Juan, Puerto Rico.

The safety zone will be established in an area one half mile around LPG ships entering or departing San Juan Harbor. Vessels will be prohibited from entering the safety zone while the vessel is transiting. The safety zone will be activated when the vessel is one mile north of San Juan Harbor #1 Sea Buoy, and will cease once the vessel is moored at either the Gulf Refinery Oil dock or the Catano Oil dock. The Coast Guard will assign a patrol, issue a Broadcast

and Local Notice to Mariners, and advise the San Juan Port Control of the established safety zone in advance of the LPG ships' arrival and departure.

Discussions of Comments

The Coast Guard received one comment suggesting that the regulations should require a tug escort for all LPG vessels entering and exiting San Juan Harbor. The Coast Guard considered this comment and determined that it is not always necessary to assign an escort tug. Therefore, the final rule does not contain this requirement. The Coast Guard will continue to evaluate each LPG vessel arrival and departure on a case by case basis for the necessity of requiring a tug escort.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. The Office of Management and Budget has exempted it from review under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) 44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This conclusion is based on the limited duration of the moving safety zone, the extensive advisories that will be made to the affected maritime community and the minimal restrictions the regulations will place on vessel traffic. These regulations will be in effect for a total of approximately three hours per port call for these vessels.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. ''Small entities'' include small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their field, and governmental jurisdictions with populations of less than 50,000.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities, as the regulations would only be in effect approximately three hours one day each week in a limited area of San Juan Harbor.

Collection of Information.

These regulations contain no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.)

Federalism.

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 and it has been determined that the rulemaking does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment.

The Coast Guard has considered the environmental impact of this rule and has concluded under figure 2–1, paragraph 34(g), of Commandant Instruction M16475.1C, that this action is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist is available in the docket for inspection or copying.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reports and recordkeeping requirements, Security Measures, Waterways.

Final Regulations:

In consideration of the foregoing, the Coast Guard amends subpart C of part 165 of Title 33, Code of Federal Regulations as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, 6.046 and 160.5.

2. A new § 165.754 is added to read as follows:

§ 165.754 Safety Zone: San Juan Harbor, San Juan, PR

(a) *Regulated Area.* A moving safety zone is established in the following area:

(1) The waters around Liquefied Petroleum Gas ships entering San Juan Harbor in an area one half mile around each vessel, beginning one mile north of the San Juan Harbor #1 Sea Buoy, in approximate position 18–29.3N, 66–07.6W and continuing until the vessel is safely moored at either the Gulf Refinery Oil dock or the Catano Oil dock in approximate position 18–25.8N, 66–06.5W. All coordinates referenced use datum: NAD 83.

(2) The waters around Liquefied Petroleum Gas ships departing San Juan Harbor in an area one half mile around each vessel beginning at either the Gulf Refinery Oil dock or Catano Oil dock in approximate position 18–25.8N, 66–06.5W when the vessel gets underway, and continuing until the stern passes the San Juan Harbor #1 Sea Buoy, in approximate position 18–28.3N, 66–07.6W. All coordinates referenced use datum: NAD 83.

(b) *Regulations.* (1) No person or vessel may enter, transit or remain in the safety zone unless authorized by the Captain of the Port, San Juan, Puerto Rico, or a designated Coast Guard commissioned, warrant, or petty officer.

(2) Vessels encountering emergencies which require transit through the moving safety zone should contact the Coast Guard patrol craft on VHF Channel 16. In the event of an emergency, the Coast Guard patrol craft may authorize a vessel to transit through the safety zone with a Coast Guard designated escort.

(3) The Captain of the Port and the Duty Officer at Marine Safety Office, San Juan, Puerto Rico, can be contacted at telephone number (787) 729–6800 ext. 140. The Coast Guard Patrol Commander enforcing the safety zone can be contacted on VHF–FM channels 16 and 22A.

(4) The Marine Safety Office San Juan will notify the marine community of periods during which these safety zones will be in effect by providing advance notice of scheduled arrivals and departures of Liquefied Petroleum Gas vessels via a marine broadcast Notice to Mariners.

(5) Should the actual time of entry of the Liquefied Petroleum Gas vessel vary more than one half hour from the scheduled time stated in the broadcast Notice to Mariners, the person directing the movement of the Liquefied Petroleum Gas vessel shall obtain permission from Captain of the Port San Juan before commencing the transit.

(6) All persons and vessels shall comply with the instructions of on-scene patrol personnel. On-scene patrol personnel include commissioned, warrant, or petty officers of the U.S. Coast Guard. Coast Guard Auxiliary and local or state officials may be present to inform vessel operators of the requirements of this section, and other applicable laws.

Dated: May 11, 1998.

B.M. Salerno,

Commander, U.S. Coast Guard, Captain of the Port, San Juan, PR.

[FR Doc. 98–13399 Filed 5–19–98; 8:45 am]

BILLING CODE 4910–15–M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–35

RIN 3090–AG03

Relocation of FIRMR Provisions Relating to the Use of Government Telephone Systems and GSA Services and Assistance

AGENCY: Office of Governmentwide Policy; GSA.

ACTION: Interim rule.

SUMMARY: The General Services Administration (GSA) is extending Federal Property Management Regulations provisions regarding Management and Use of Telecommunications Resources.

DATES: Effective date: This rule was effective August 8, 1996. Expiration date: August 8, 1999.

FOR FURTHER INFORMATION CONTACT: David R. Middledorf, Office of Governmentwide Policy, telephone 202–501–1551.

SUPPLEMENTARY INFORMATION: FPMR interim F1 was published in the **Federal Register** on August 7, 1996, 61 FR 41003. The expiration date of the interim rule is August 8, 1998. This supplement extends the expiration date until August 8, 1999.

List of Subjects in 41 CFR Part 101–35

Archives and records, Computer technology, Telecommunications, Government procurement, Property management, Records management, Information technology. Therefore, the expiration date for interim rule F–1 published at 61 FR 41003, August 7, 1996, is extended until August 8, 1999.

Dated: May 12, 1998.

David Barram,

Administrator of General Services.

[FR Doc. 98–13388 Filed 5–19–98; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF DEFENSE

48 CFR Parts 232 and 252

[DFARS Case 98–D012]

Defense Federal Acquisition Regulation Supplement; Electronic Funds Transfer

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: The Director of Defense Procurement has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to provide policy and procedures for the use of the electronic funds transfer (EFT) method of contract payment when the payment office uses the central contractor registration (CCR) database as its source of EFT information. This rule eliminates requirements for duplicate submissions of EFT information by DoD contractors.

DATES: Effective date: June 1, 1998.

Comment date: Comments on the interim rule should be submitted in writing to the address shown below on or before July 20, 1998, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Sandra G. Haberlin, PDUSD(A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telefax number (703) 602–0350.

E-mail comments submitted over the Internet should be addressed to: dfars@acq.osd.mil

Please cite DFARS Case 98–D012 in all correspondence related to this issue. E-mail comments should cite DFARS Case 98–D012 in the subject line.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra G. Haberline, (703) 602–0131.

SUPPLEMENTARY INFORMATION:

A. Background

An interim rule amending the Federal Acquisition Regulation (FAR) was published in the **Federal Register** on August 29, 1996 (61 FR 45770). The rule added a new FAR Subpart 32.11, Electronic Funds Transfer, which provides policy and procedures for Government payment by EFT. The rule also added two contract clauses: FAR 52.232–33, Mandatory Information for Electronic Funds Transfer Payment, and FAR 52.232–34, Optional Information for Electronic Funds Transfer Payment. FAR 52.232–33 requires the contractor to provide EFT information as a condition of payment under the contract. When FAR 52.232–33 will not be included in a contract, FAR 52.232–34 is used if EFT may become a viable method of payment during the period of contract performance, and the clause becomes effective if the Government and the contractor agree to commence EFT. Both clauses require the contractor to provide EFT information to the cognizant payment office for each contract awarded to the contractor.

A final DFARS rule was published in the **Federal Register** on March 31, 1998 (63 FR 15316). The rule added DFARS Subpart 204.73 and a contract clause at DFARS 252.204–7004, Required Central Contractor Registration, and requires contractor registration in a DoD CCR database prior to award of a contract, basic agreement, basic ordering agreement, or blanket purchase agreement, unless the award results from a solicitation issued on or before May 31, 1998. The rule requires that contractors register on a one-time basis, and confirm on an annual basis that their CCR registration is accurate and complete. As part of the registration process, contractors are required to furnish their EFT payment information into the CCR database.

This interim DFARs rule eliminates conflicting and administratively burdensome requirements for contractors to provide EFT information to the payment office for each contract awarded (in accordance with FAR 52.232–33 or FAR 52.232–34), and into the CCR database (in accordance with DFARS 252.204–7004). This rule prescribes the use of a new clause at DFARS 252.232–7009, Payment by Electronic Funds Transfer (CCR), instead of either EFT FAR clause, for contracts that include the clause at 252.204–7004 and that will be paid by EFT. DFARS 252.232–7009 is especially tailored for those DoD contractors that are required to register in the CCR database.

B. Regulatory Flexibility Act

The interim rule may have a significant beneficial economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. An Initial Regulatory Flexibility Analysis has been performed and is summarized as follows:

The objective of the rule is to revise current procedures for the use of electronic funds transfer in order to accommodate the DoD requirement for contractors to register into a CCR database; thus, eliminating conflicting and administratively burdensome requirements for both large and small contractors.

FAR 52.232–33 and FAR 52.232–34 require, for each contract awarded, the contractor to provide EFT information to the cognizant payment office. In addition, DFARS 204.7302 requires contractor registration in a DoD CCR database prior to award of a contract, basic agreement, basic ordering agreement, or blanket purchase agreement, unless the award results from a solicitation issued on or before May 31, 1998. As part of the registration process, contractors are required to furnish their EFT information. Therefore, Contractors are required to

furnish EFT information into the CCR database, and to the cognizant payment office for each contract awarded to them.

This interim DFARS rule applies to small entities that are required to register in the DoD CCR database in accordance with DFARS 252.204–7004, and that are required to be paid by EFT in accordance with FAR 52.232–33 or FAR 52.232–34. The rule does not apply to small entities that are exempted from CCR or exempted from the EFT method of payment. This rule reduces the burden on small entities by eliminating the requirement for DoD contractors to furnish EFT information to the payment office for each contract. To date, no supporting data has been collected; therefore, there is no available estimate of the number of small entities that will be subject to the rule.

The interim rule decreases information collection requirements by requiring the use of DFARS 252.232–7009 instead of the FAR clauses and their associated reporting requirements. The new DFARS clause only applies to contractors that are required to register in the CCR database. The requirement to register in the database already is prescribed at DFARS 204.7302.

This rule has a beneficial economic impact on small entities by eliminating conflicting and administratively burdensome requirements for submission of EFT information. There are no significant alternatives that would have a more beneficial economic impact on small entities and at the same time comply with 31 U.S.C. 3332, as amended by Subsection 31001(x) of Public Law 104–134, that ''* * * all Federal payments to a recipient who becomes eligible for that type of payment * * * shall be made by electronic funds transfer.''

A copy of the Initial Regulatory Flexibility Analysis may be obtained from the address specified herein. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts also will be considered in accordance with 5 U.S.C. 610. Such comments must be submitted separately and should cite DFARS Case 98–D012.

C. Paperwork Reduction Act

The interim rule decreases the information collection requirement currently approved under Office of Management and Budget (OMB) Control Number 9000–0144. The decrease results from the rule removing the requirement to use the clause at FAR 52.232–33 or FAR 52.232–34, when a contract includes the clause at DFARS 252.204–7004, Required Central Contractor Registration, and will be paid by EFT. OMB approved the information collection requirement to submit EFT information in the CCR database on November 20, 1997, under OMB Control Number 0704–0400, which expires on November 30, 2000.

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to publish this interim rule prior to affording the public an opportunity to comment. This action is necessary to expeditiously eliminate conflicting and administratively burdensome requirements for DoD contractors. Effective June 1, 1998, DoD contractors are required to register in a CCR database. The contractor payment information required by the clauses at FAR 52.232–33 and 52.232–34 duplicates information required for registration in the CCR database. This interim rule prescribes a DFARS clause for use in place of the FAR clauses, to eliminate requirements for duplicate submissions of information by DoD contractors. However, comments received in response to the publication of this interim rule will be considered in formulating the final rule.

List of Subjects in 48 CFR Parts 232 and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 232 and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 232 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 232—CONTRACT FINANCING

2. Subpart 232.11 is added to read as follows:

Subpart 232.11—Electronic Funds Transfer

Sec.
232.1101 Policy.
232.1103 Contract clause.

232.1101 Policy.

(a) If the payment office is not capable of making payment by electronic funds transfer (EFT), the payment office is relieved of the requirement to pay by EFT is DoD complies with 31 CFR 208.3, which requires written notice and submittal of an implication plan to the Department of the Treasury, Financial Management Service.

232.1103 Contract clause.

If the solicitation or contract includes the clause at 252.204–7004, Required Central Contractor Registration, and payment under the contract will be made by electronic funds transfer, use the clause at 252.232–7009, Payment by Electronic Funds Transfer (CCR), instead of the clause at FAR 52.232–33, Mandatory Information for Electronic Funds Transfer Payment, or the clause at FAR 52.232–34, Optional Information for Electronic Funds Transfer Payment.

PART 252—SOLICITAITON PROVISIONS AND CONTRACT CLAUSES

3. Section 252.232–7009 is added to read as follows:

252.232–7009 Payment by Electronic Funds Transfer (CCR).

As prescribed in 232.1103, use the following clause:

Payment by Electronic Funds Transfer (CCR) (JUN 1998)

(a) *Method of payment.* (1) All payments by the Government under this contract shall be made by electronic funds transfer (EFT), except as provided in paragraph (a)(2) of (b) of this clause. As used in this clause, the term ''EFT'' refers to the funds transfer and may also include the payment information transfer.

(2) In the event the Government is unable to release one or more payments by EFT, the Contractor agrees to either (i) accept payment by check or some other mutually agreeable method of payment, or (ii) request the Government to extend the payment due date until such time as the Government can make payment by EFT (but see paragraph (e) of this clause).

(b) *Alternative contractor certification.* If the Contractor certifies in writing, as part of its registration with the Central Contractor Registration (CCR) database that it does not have an account with a financial institution and does not have an authorized payment agent, payment shall be made by check to the remittance address contained in the CCR database. All contractor certifications will expire on January 1, 1999.

(c) *Contractor's EFT information.* Except as provided in paragraph (b) of this clause, the Government shall make payment to the Contractor using the EFT information contained in the CCR database. In the event that the EFT information changes, the Contractor shall be responsible for providing the updated information to the CCR database.

(d) *Mechanisms for EFT payment.* The Government may make payment by EFT through either an Automated Clearing House subject to the banking laws of the United States or the Federal Reserve Wire Transfer System.

(e) *Suspension of payment.* If the Contractor's EFT information in the CCR

database is incorrect and the Contractor has not certified under paragraph (b) of this clause, the Government need not make payment to the Contractor under this contract until correct EFT information or certification is entered into the CCR database; and any invoice or contract financing request shall be deemed not to be a proper invoice for the purpose of prompt payment under this contract. The prompt payment terms of the contract regarding notice of an improper invoice and delays in accrual of interest penalties apply.

(f) *Contractor EFT arrangements.* If the Contractor has identified multiple payment receiving points (i.e., more than one remittance address or EFT information set) in the CCR database, and the Contractor has not notified the Government of the payment receiving point applicable to this contract, the Government shall make payment to the first payment receiving point (EFT information set or remittance address as applicable) listed in the CCR database.

(g) *Liability for uncompleted or erroneous transfers.* (1) If an uncompleted or erroneous transfer occurs because the Government failed to use the Contractor's EFT information in the correct manner, the Government remains responsible for—

(i) Making a correct payment;

(ii) Paying any prompt payment penalty due; and

(iii) Recovering any erroneously directed funds.

(2) If an uncompleted or erroneous transfer occurs because the Contractor's EFT information was incorrect, or was revised within 30 days of Government release of the EFT payment transaction instruction to the Federal Reserve System, and—

(i) If the funds are no longer under the control of the payment office, the Government is deemed to have made payment and the contractor is responsible for recovery of any erroneously directed funds; or

(ii) If the funds remain under the control of the payment office, the Government shall not make payment, and the provisions of paragraph (e) of this clause shall apply.

(h) *EFT and prompt payment.* A payment shall be deemed to have been made in a timely manner in accordance with the prompt payment terms of this contract if, in the EFT payment transaction instruction released to the Federal Reserve System, the date specified for settlement of the payment is on or before the prompt payment due date, provided the specified payment date is a valid date under the rules of the Federal Reserve System.

(i) *EFT and assignment of claims.* If the Contractor assigns the proceeds of this contract as provided for in the assignment of claims terms of this contract, the Contractor shall require as a condition of any such assignment, that the assignee register in the CCR database and be paid by EFT in accordance with the terms of this clause. In all respects, the requirements of this clause shall apply to the assignee as if it were the Contractor. EFT information that shows the ultimate recipient of the transfer to be other than the Contractor, in the absence of a proper assignment of claims acceptable to the Government, is incorrect EFT information within the meaning of paragraph (e) of this clause.

(j) *Liability for change of EFT information by financial agent.* The Government is not liable for errors resulting from changes to EFT information made by the Contractor's financial agent.

(k) *Payment information.* The payment or disbursing office shall forward to the Contractor available payment information that is suitable for transmission as of the date of release of the EFT instruction to the Federal Reserve System. The Government may request the Contractor to designate a desired format and method(s) for delivery of payment information from a list of formats and methods the payment office is capable of executing. However, the Government does not guarantee that any particular format or method of delivery is available at any particular payment office and retains the latitude to use the format and delivery method most convenient to the Government. If the Contractor has certified in accordance with paragraph (b) of this clause or if the Government otherwise makes payment by check in accordance with paragraph (a) of this clause, the Government shall mail the payment information to the remittance address contained in the CCR database.

(End of clause)

[FR Doc. 98–13387 Filed 5–19–98; 8:45 am]

BILLING CODE 5000–04–M

Proposed Rules

Federal Register
Vol. 63, No. 97
Wednesday, May 20, 1998

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–89–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–400 Series Airplanes Powered by Pratt and Whitney PW4000 Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 747–400 series airplanes. This proposal would require repetitive inspections to detect improper installation and fatigue damage of the end cap of the forward engine mount, and replacement of the forward engine mount end cap assembly with an improved end cap assembly. Such replacement, when accomplished, would terminate the repetitive inspections. This proposal is prompted by a report of fatigue cracking of end cap bolts, caused by improper installation. Subsequent investigation revealed that properly installed end caps also are subject to early fatigue cracking. The actions specified by the proposed AD are intended to prevent failure of the end cap assembly, which could lead to separation of the engine from the airplane in the event of a primary thrust linkage failure.

DATES: Comments must be received by July 6, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 97–NM–89–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tamara L. Anderson, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2771; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 97–NM–89–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 97–NM–89–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report of broken end cap bolts of the forward engine mount, which were found during overhaul of a Pratt & Whitney PW4000 engine that had been installed on a Boeing Model 747–400 series airplane. Investigation revealed that the end cap had been installed backwards. A properly installed end cap does not normally react any significant engine thrust loads; it is intended to provide a secondary load path if the primary thrust linkage fails. An end cap installed backwards will react the engine thrust loads along with the primary thrust linkage, which will result in premature fatigue failure of the end cap or end cap bolts. In addition, fatigue analysis and testing have confirmed that a properly installed end cap assembly would fail in a low number of flight cycles after a primary thrust linkage failure. Failure of the end cap assembly, if not corrected, could lead to separation of the engine from the airplane in the event of primary thrust linkage failure.

Other Relevant Rulemaking

There is a high degree of similarity between the configurations of the engine installations on the incident airplane (Model 747–400) and certain Model 767 series airplanes. The FAA may consider rulemaking to address this condition on Model 767 series airplanes; therefore, this proposed rule is applicable only to Model 747–400 series airplanes.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 747–71A2283, dated October 10, 1996, which describes procedures for repetitive detailed visual inspections to detect improper installation and fatigue damage of the end cap of the forward engine mount, and replacement of the end cap assembly of the forward engine mount with an improved assembly. Such replacement would eliminate the need for the repetitive inspections. Accomplishment of this replacement, as described in the alert service bulletin, is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the alert service bulletin described previously, except as discussed below.

Differences Between Proposed Rule and Service Bulletin

Boeing Alert Service Bulletin 747–71A2283 divides the affected airplanes into two groups depending upon the particular engine configuration of the affected airplane, and provides different procedures depending upon group classification and engine on-wing flight cycles. Operators should note that, whereas the alert service bulletin specifies that operators of Group 1 airplanes should contact the manufacturer for disposition of the terminating action, this proposed AD would require that the end cap and bolts be replaced in accordance with the procedures specified in Chapter 71–00–00 of the Boeing 747 Airplane Maintenance Manual (AMM).

Additionally, the alert service bulletin specifies that certain actions required by this proposed AD may be accomplished in accordance with ''an operator's equivalent procedure.'' However, this proposed AD requires that those actions be accomplished in accordance with the procedures specified in Chapter 71–00–00 of the AMM. An ''operator's equivalent procedure'' may be used only if approved as an alternative method of compliance in accordance with paragraph (e) of this proposed AD.

Cost Impact

There are approximately 133 airplanes of the affected design in the worldwide fleet. The FAA estimates that 36 airplanes of U.S. registry would be affected by this proposed AD: 35 Group 1 airplanes, and 1 Group 2 airplane.

It would take approximately 36 work hours per Group 1 airplane (9 work hours per engine) to accomplish the proposed inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this proposed inspection on U.S. operators is estimated to be $75,600, or $2,160 per airplane, per inspection cycle.

It would take approximately 272 work hours per airplane (68 work hours per engine) for both Group 1 and Group 2 airplanes to accomplish the proposed replacement of the forward engine mount end cap and/or end cap bolts, at an average labor rate of $60 per work hour. Required parts would cost approximately $1,000 per airplane. Based on these figures, the cost impact of this proposed replacement on U.S. operators is estimated to be $623,520, or $17,320 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 97–NM–89–AD.

Applicability: Model 747–400 series airplanes powered by Pratt & Whitney PW4000 engines, as listed in Boeing Alert Service Bulletin 747–71A2283, dated October 10, 1996; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent possible separation of the engine from the airplane in the event of a primary thrust linkage failure, accomplish the following:

(a) For Group 1 airplanes, as identified in Boeing Alert Service Bulletin 747–71A2283, dated October 10, 1996: Except as provided by paragraph (c) of this AD, accomplish paragraphs (a)(1) and (a)(2), of this AD, as applicable, in accordance with the alert service bulletin.

(1) Within 500 hours time-in-service after the effective date of this AD, perform a detailed visual inspection (Work Package 1) to detect improper installation of the end cap of the forward engine mount, in accordance with the alert service bulletin.

(i) If no attachment hardware is found loose or missing, and if no part shows signs of damage, repeat the inspection thereafter at intervals not to exceed 5,000 hours time-in-service or 15 months, whichever occurs first, until the requirements of paragraph (a)(2) of this AD have been accomplished.

(ii) If any attachment hardware is found loose or missing, or if any part shows signs of damage, prior to further flight, replace the end cap and bolts with an improved end cap and bolts (Work Package 2), in accordance with the alert service bulletin. Accomplishment of the replacement constitutes terminating action for the requirements of this AD for Group 1 airplanes.

(2) Replace the existing end cap and end cap bolts of the forward engine mount with an improved end cap and end cap bolts (Work Package 2), at the earlier of the times specified in paragraphs (a)(2)(i) and (a)(2)(ii) of this AD. Accomplishment of the replacement constitutes terminating action for the requirements of this AD for Group 1 airplanes.

(i) Prior to the accumulation of 16,000 total flight cycles on any engine, or within 500

hours time-in-service after the effective date of this AD, whichever occurs later; or

(ii) Within 3 years after the effective date of this AD.

(b) For Group 2 airplanes, as identified in Boeing Alert Service Bulletin 747–71A2283, dated October 10, 1996: Except as provided by paragraph (c) of this AD, within 3 years after the effective date of this AD, replace the existing end cap bolts of the forward engine mount with improved end cap bolts (Work Package 3), in accordance with the alert service bulletin.

(c) Where Boeing Alert Service Bulletin 747–71A2283, dated October 10, 1996, specifies that the actions required by this AD may be accomplished in accordance with an ''operator's equivalent procedure,'' the actions must be accomplished in accordance with Chapter 71–00–00 of the Boeing 747 Airplane Maintenance Manual (AMM), as specified in the alert service bulletin.

(d) As of the effective date of this AD, no person shall install on any airplane a forward engine mount end cap having part number 310T3026–1.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on May 14, 1998.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–13405 Filed 5–19–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–105–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A320 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus Model A320 series airplanes. This proposal would require an electrical continuity test of the discharge circuit for the cargo compartment fire extinguisher bottle to detect any cross-connection of the electrical wires in the cargo compartment discharge circuit, and corrective actions, if necessary. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent incorrect distribution of fire extinguishing chemicals in the event of an unconfined fire in the cargo compartment.

DATES: Comments must be received by June 19, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–105–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–105–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–105–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A320 series airplanes. The DGAC advises that an operator found, on two airplanes, cross-connections in the cargo compartment discharge circuit for the fire extinguisher bottle. The aft cargo compartment electrical connector had been fitted on the bottle discharge circuit dedicated to the forward cargo compartment fire extinguisher. The forward cargo compartment electrical connector was fitted on the aft compartment electrical connector. These cross-connections were attributed to the wire loom (bundle) being incorrectly identified, which the manufacturer has since corrected. This condition, if not corrected, could result in the incorrect distribution of fire extinguishing chemicals in the event of an unconfined fire in the cargo compartment.

Explanation of Relevant Service Information

Airbus has issued All Operator Telex (AOT) 26–10, dated April 5, 1993, which describes procedures for an electrical continuity test of the discharge circuit for the cargo compartment fire extinguisher bottle to detect any cross-connection of the electrical wires in the cargo compartment discharge circuit, and corrective actions, if necessary. The corrective actions include re-identification of the wiring loom and connection of electrical connectors to

the appropriate cargo compartment fire extinguisher. Accomplishment of the actions specified in the AOT is intended to adequately address the identified unsafe condition. The DGAC classified this AOT as mandatory and issued French airworthiness directive 94–056–051(B), dated March 16, 1994, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the AOT described previously.

Cost Impact

The FAA estimates that 118 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed action, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $7,080, or $60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Airbus Industrie: Docket 98–NM–105–AD.

Applicability: Model A320 series airplanes, manufacturer serial numbers 002 through 402 inclusive, on which Airbus Modification 20071 (reference Airbus Service Bulletin A320–26–1020, dated January 4, 1993) has been accomplished; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent incorrect distribution of fire extinguishing chemicals in the event of a fire in the cargo compartment, which if unconfined could spread beyond the cargo compartment, accomplish the following:

(a) Within 450 flight hours after the effective date of this AD, perform a one-time electrical continuity test of the discharge circuit for the cargo compartment fire extinguisher bottle to detect any cross-connection of the electrical wires in the cargo compartment discharge circuit, in accordance with Airbus All Operator Telex (AOT) 26–10, dated April 5, 1993. If any anomaly is detected, prior to further flight, accomplish corrective actions, in accordance with the AOT.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 3: The subject of this AD is addressed in French airworthiness directive 94–056–051(B), dated March 16, 1994.

Issued in Renton, Washington, on May 14, 1998.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–13394 Filed 5–19–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–149–AD]

RIN 2120–AA64

Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Aerospatiale Model ATR42 and

ATR72 series airplanes. This proposal would require a one-time inspection of the electromagnetic interference (EMI) filter capacitors and electronic cards of the cabin air recirculation fans to detect damage. This proposal also would require replacement of damaged components with new or serviceable parts, and modification of the cabin air assembly fans. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent overheating and consequent failure of the EMI filter capacitors, which could result in emission of toxic smoke and fumes throughout the airplane, and consequent adverse effects on flight crew and passengers.

DATES: Comments must be received by June 19, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–149–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–149–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–149–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Aerospatiale Model ATR42 and ATR72 series airplanes. The DGAC advises that it has received several reports of toxic smoke and fumes emitting into the passenger compartments. Investigation revealed that the toxic smoke and fumes resulted from excess thermal stress (overheating) of the electromagnetic interference (EMI) filter capacitors on the electronic cards of the cabin air recirculation fans, which are associated with the right and left air-conditioning packs. The overheated EMI filter capacitors leaked electrolyte onto the electronic cards of the air recirculation fans. The electrolyte leakage caused short-circuiting, charring, and corrosion of the electronic cards, emitting toxic smoke into the passenger compartments. Such overheating and consequent failure of the EMI filter capacitors, if not corrected, could result in emission of toxic smoke and fumes throughout the airplane, and consequent adverse effects on flight crew and passengers.

Explanation of Relevant Service Information

The manufacturer has issued Avions de Transport Regional Service Bulletins ATR42–21–0069, dated February 5, 1998 (for Model ATR42 series airplanes), and ATR72–21–1048, dated February 5, 1998 (for Model ATR72 series airplanes), which describe procedures for performing a one-time visual inspection to detect damage of the EMI filter capacitors and electronic cards of the cabin air recirculation fans of the left and right air-conditioning packs. The service bulletins also describe procedures for replacement of damaged components with new or serviceable parts, and modification of the cabin air assembly fans. Accomplishment of the actions specified in the service bulletins are intended to adequately address the identified unsafe condition. The DGAC classified these service bulletins as mandatory and issued French airworthiness directive 98–070–074(B) (for Model ATR42 series airplanes) and 98–073–037(B) (for Model ATR72 series airplanes), both dated February 11, 1998, in order to assure the continued airworthiness of these airplanes in France.

Avions de Transport Regional Service Bulletins reference EG&G Rotron Service Bulletin 011232500–21–1, dated December 12, 1997, as an additional source of service information for accomplishment of the modification.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously.

Interim Action

This is considered to be interim action until final action is identified, at which time the FAA may consider additional rulemaking.

Cost Impact

The FAA estimates that 81 airplanes of U.S. registry would be affected by this

proposed AD, that it would take approximately 3 work hours per airplane to accomplish the proposed inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspection proposed by this AD on U.S. operators is estimated to be $14,580, or $180 per airplane.

It would take approximately 2 work hours per airplane to accomplish the proposed modification at an average labor rate of $60 per work hour. The cost of the required parts would be minimal. Based on these figures, the cost impact of the modification proposed by this AD on U.S. operators is estimated to be $9,720, or $120 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Aerospatiale: Docket 98–NM–149–AD.

Applicability: Model ATR42–300, –320, and –500 series airplanes, as listed in Aerospatiale Service Bulletin ATR42–21–0069, dated February 5, 1998; and Model ATR72–101, –102, –201, –202, –211, –212, and –212A series airplanes, as listed in Aerospatiale Service Bulletin ATR72–21–1048, dated February 5, 1998; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent overheating and consequent failure of the electromagnetic interference (EMI) filter capacitors, which could result in emission of toxic smoke and fumes throughout the airplane, and consequent adverse effects on flight crew and passengers, accomplish the following:

(a) Within 11 months after the effective date of this AD, perform a one-time visual inspection to detect damage of the EMI filter capacitors and electronic cards of the cabin air recirculation fan of the right and left air-conditioning packs, in accordance with Avions de Transport Regional Service Bulletin ATR42–21–0069, dated February 5, 1998 (for Model ATR42 series airplanes), or ATR72–21–1048, dated February 5, 1998 (for Model ATR72 series airplanes), as applicable.

(1) If no discrepancy is detected, prior to further flight, modify and re-identify each fan assembly, in accordance with the applicable service bulletin.

(2) If any discrepancy is detected, prior to further flight, replace the damaged components with new or serviceable components, and modify and re-identify the fan assembly, in accordance with the applicable service bulletin.

Note 2: Avions de Transport Regional Service Bulletin ATR42–21–0069, dated February 5, 1998 (for Model ATR42 series airplanes), and ATR72–21–1048, dated February 5, 1998 (for Model ATR72 series airplanes), reference EG&G Rotron Service Bulletin 011232500–21–1, dated December 12, 1997, as an additional source of service information for accomplishment of the modification.

(b) As of the effective date of this AD, no person shall install on any airplane a cabin air-conditioning recirculation Rotron fan having part number (P/N) 011232500 Amend. A, or P/N 011494500 Amend. A, on the left or right air-conditioning pack.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 4: The subject of this AD is addressed in French airworthiness directives 98–070–074(B) and 98–073–037(B), both dated February 11, 1998.

Issued in Renton, Washington, on May 14, 1998.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–13391 Filed 5–19–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–133–AD]

RIN 2120–AA64

Airworthiness Directives; Dornier Model 328–100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Dornier Model 328–100 series airplanes. This proposal would require replacing the existing roll spoiler control rods with improved parts. This proposal is prompted by issuance of

mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent bending stress to the fork end of the roll spoiler, which could result in failure of the roll spoiler and consequent reduced controllability of the airplane.

DATES: Comments must be received by June 19, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–133–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fairchild Dornier, Dornier Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–133–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–133–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, notified the FAA that an unsafe condition may exist on certain Dornier Model 328–100 series airplanes. The LBA advises that the manufacturer reported that insufficient clearance may exist between the fork end of the roll spoiler control rod and the bell crank of the roll spoiler. Such insufficient clearance could cause bending stress to the fork end of the roll spoiler, which, if not corrected, could result in failure of the roll spoiler and consequent reduced controllability of the airplane.

Explanation of Relevant Service Information

The manufacturer has issued Dornier Service Bulletin SB–328–27–247, Revision 1, dated February 19, 1998, which describes procedures for replacing the existing roll spoiler control rods with improved roll spoiler control rods on the right and left sides of the airplane. The LBA classified this service bulletin as mandatory and issued German airworthiness directive 1998–042, dated January 29, 1998, in order to assure the continued airworthiness of these airplanes in Germany.

FAA's Conclusions

This airplane model is manufactured in Germany and is type certificated for operation in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the LBA has kept the FAA informed of the situation described above. The FAA has examined the findings of the LBA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of actions specified in the service bulletin described previously.

Cost Impact

The FAA estimates that 50 airplanes of U.S. registry would be affected by this proposed AD, and that it would take approximately 3 work hours per airplane to accomplish the proposed replacement, at an average labor rate of $60 per work hour. Required parts would be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the replacement proposed by this AD on U.S. operators is estimated to be $9,000, or $180 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Dornier Luftfahrt GMBH: Docket 98–NM–133–AD.

Applicability: Model 328–100 series airplanes, serial numbers 3005 through 3047 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent bending stress to the fork end of the roll spoiler, which could result in failure of the roll spoiler and consequent reduced controllability of the airplane, accomplish the following:

(a) Within 4 months after the effective date of this AD, replace the existing roll spoiler control rods on the right and left sides of the airplane with improved parts, in accordance with Dornier Service Bulletin SB–328–27–247, Revision 1, dated February 19, 1998.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 3: The subject of this AD is addressed in German airworthiness directive 1998–042, dated January 29, 1998.

Issued in Renton, Washington, on May 14, 1998.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–13392 Filed 5–19–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–258–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–90–30 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD–90–30 series airplanes. This proposal would require repetitive inspections to detect debris in the areas behind the aft lavatory toilet shroud, behind the aft lavatory modules, and below the cabin floor aft of the aft cargo compartment bulkhead; and removal of debris. This proposal also would require modification of the lavatory toilet shroud assemblies and modification of the lavatory entry door louvers, which would terminate the repetitive inspections. This proposal is prompted by reports of paper debris collecting on the hot pneumatic ducts below the cabin floor. The actions specified by the proposed AD are intended to prevent paper debris from collecting on the ducts, which could result in a potential fire hazard or possible loss of elevator control system redundancy.

DATES: Comments must be received by July 6, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 97–NM–258–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Albert H. Lam, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5346; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 97–NM–258–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the

FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 97–NM–258–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports indicating that lavatory paper debris was found behind the toilet seat shroud in the aft lavatory, behind the aft lavatory modules, and below the cabin floor aft of the aft cargo compartment bulkhead of McDonnell Douglas Model MD–90–30 series airplanes. This condition has been attributed to a gap between the lavatory floor pan perimeter and the toilet shroud. Airflow through the lavatory module can force paper and lint from the floor through the gap in the toilet shroud and the floor; this debris can collect on the hot pneumatic ducts below the cabin floor aft of the aft cargo compartment bulkhead. This condition, if not corrected, could result in a potential fire hazard or possible loss of elevator control system redundancy.

Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin MD90–25A017, Revision R01, dated October 16, 1997, which describes procedures for repetitive inspections to detect paper and lint debris in the areas behind the aft lavatory toilet shroud, behind the aft lavatory modules, and below the cabin floor aft of the aft cargo compartment bulkhead, and removal of debris.

The FAA also has reviewed and approved McDonnell Douglas Service Bulletin MD90–25–022, Revision R01, dated October 15, 1997, which describes procedures for modification of the lavatory toilet shroud assemblies. The modification involves adding a rubber seal to the shroud assemblies to close the gap between the shroud assemblies and the lavatory floor pans. This service bulletin references Jamco Service Bulletin MD090–25–1140, Revision 3, dated May 30, 1997, as an additional source of service information for accomplishment of the modification.

In addition, the FAA has reviewed and approved McDonnell Douglas Service Bulletin MD90–25–023, Revision R01, dated October 15, 1997, which describes procedures for modification of the lavatory entry door louvers. The modification entails installing a new frame panel and new louvers on the entry door assembly. This service bulletin references Jamco Service Bulletin MD090–25–1155, Revision 2, dated June 11, 1997, as an additional source of service information for accomplishment of this modification.

Accomplishment of the modifications specified in McDonnell Douglas Service Bulletins MD90–25–022 and MD90–25–023 is intended to adequately address the identified unsafe condition. These modifications, when accomplished, would eliminate the need for the repetitive inspections described in the alert service bulletin described previously.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the alert service bulletin and service bulletins described previously.

Cost Impact

There are approximately 55 airplanes of the affected design in the worldwide fleet. The FAA estimates that 19 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 5 work hours per airplane to accomplish the proposed inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspection proposed by this AD on U.S. operators is estimated to be $5,700, or $300 per airplane, per inspection cycle.

It would take approximately 1 work hour per airplane to accomplish the proposed modification of the toilet shroud assemblies, at an average labor rate is $60 per work hour. Required parts would be supplied by the manufacturer at no cost to the operators. Based on these figures, the cost impact of this modification proposed by this AD on U.S. operators is estimated to be $1,140, or $60 per airplane.

It would take approximately 1 work hour per airplane to accomplish the proposed modification of the lavatory entry door louvers, at an average labor rate is $60 per work hour. Required parts would be supplied by the manufacturer at no cost to the operators. Based on these figures, the cost impact of this modification proposed by this AD on U.S. operators is estimated to be $1,140, or $60 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Docket 97–NM–258–AD.

Applicability: Model MD–90–30 series airplanes; as listed in paragraph 1.A.1. of McDonnell Douglas Alert Service Bulletin MD90–25A017, Revision R01, dated October 16, 1997, McDonnell Douglas Service Bulletin MD90–25–022, Revision R01, dated October 15, 1997 , and McDonnell Douglas Service Bulletin MD90–25A023, Revision R01, dated October 15, 1997; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been

modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent a potential fire hazard or the possible loss of elevator control system redundancy due to paper debris collecting on the hot pneumatic ducts below the cabin floor, accomplish the following:

(a) Within 450 flight hours or 3 months after the effective date of this AD, whichever occurs later, perform an inspection to detect paper and lint debris in the areas behind the aft lavatory toilet shroud, behind the aft lavatory modules, and below the cabin floor aft of the aft cargo compartment bulkhead, in accordance with paragraph 3. (''Accomplishment Instructions'') of McDonnell Douglas Alert Service Bulletin MD90–25A017, Revision R01, dated October 15, 1997. If any debris is found, prior to further flight, remove it in accordance with the alert service bulletin. Repeat the inspection thereafter at intervals not to exceed 450 flight hours.

(b) Within 12 months after the effective date of this AD, modify the lavatory toilet shroud assemblies in accordance with paragraph 3. (''Accomplishment Instructions'') of McDonnell Douglas Service Bulletin MD90–25–022, Revision R01, dated October 15, 1997.

(c) Within 12 months after the effective date of this AD, modify the lavatory entry door louvers in accordance with paragraph 3. (''Accomplishment Instructions'') of McDonnell Douglas Service Bulletin MD90–25–023, Revision R01, dated October 15, 1997.

(d) Modification of the toilet shroud assemblies and the lavatory entry door louvers in accordance with paragraphs (b) and (c) of this AD constitutes terminating action for the repetitive inspection requirements of paragraph (a) of this AD.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on May 14, 1998.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–13402 Filed 5–19–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–117–AD]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Saab Model SAAB SF340A and SAAB 340B series airplanes. This proposal would require modification of the detachable center inlet component of the air intake system of the engine. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent fuel and/or oil that may be present in the nacelle from entering the air intake system of the engine, which could result in a possible engine fire.

DATES: Comments must be received by June 19, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–117–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linköping, Sweden. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–117–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–117–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Luftfartsverket (LFV), which is the airworthiness authority for Sweden, notified the FAA that an unsafe condition may exist on certain Saab Model SAAB SF340A and SAAB Model 340B series airplanes. The LFV advises that two holes were introduced in the rear portion of the detachable center inlet of the air intake system of the engine during the design and manufacturing of a certain number of these inlets. The LFV further advises that, under certain conditions, a pressure difference between the nacelle and the detachable center inlet component of the air intake system

could force residual fuel and/or oil, located in the nacelle, through these two holes and into the air intake system of the engine. Such condition, if not corrected, could result in a possible engine fire.

Explanation of Relevant Service Information

The manufacturer has issued SAAB Service Bulletin 340–30–073, dated August 18, 1997, including Attachment 1, dated March 6, 1997, which describes procedures for installation of a filler plate onto the detachable center inlet component of the engine air intake system. Accomplishment of the action specified in the service bulletin is intended to adequately address the identified unsafe condition. The LFV classified this service bulletin as mandatory and issued Swedish airworthiness directive 1–119, dated August 21, 1997, in order to assure the continued airworthiness of these airplanes in Sweden.

FAA's Conclusions

These airplane models are manufactured in Sweden and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the LFV has kept the FAA informed of the situation described above. The FAA has examined the findings of the LFV, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

The FAA estimates that 135 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed modification, and that the average labor rate is $60 per work hour. Required parts would be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $16,200, or $120 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Saab Aircraft AB (Formerly SAAB Fairchild): Docket 98–NM–117–AD.

Applicability: Model SAAB SF340A and Model SAAB 340B series airplanes, as listed in SAAB Service Bulletin 340–30–073, dated August 18, 1997; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent fuel and/or oil that may be present in the nacelle from entering the air intake system of the engine, which could result in a possible engine fire, accomplish the following:

(a) Within 2 years after the effective date of this AD, modify the detachable center inlet component of the air intake system of the engine, in accordance with Saab Service Bulletin 340–30–073, dated August 18, 1997, including Attachment 1, dated March 6, 1997.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 3: The subject of this AD is addressed in Swedish airworthiness directive 1–119, dated August 21, 1997.

Issued in Renton, Washington, on May 14, 1998.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–13393 Filed 5–19–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–186–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 767 series airplanes. This proposal would require repetitive inspections to detect improper installation or fatigue damage of the end cap of the forward engine mount, and replacement of the end cap assembly with an improved assembly. Such replacement, when accomplished, would terminate the repetitive inspections. This proposal is prompted by a report of fatigue cracking of end cap bolts caused by improper installation. Subsequent investigation revealed that properly installed caps also are subject to early fatigue cracking. The actions specified by the proposed AD are intended to prevent failure of the end cap assembly, which could lead to separation of the engine from the airplane in the event of a primary thrust linkage failure.

DATES: Comments must be received by July 6, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 97-NM–186-AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Todd T. Martin, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2770; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 97–NM–186–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 97–NM–186–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report of broken end cap bolts of the forward engine mount, which were found during overhaul of a Pratt & Whitney PW4000 engine that had been installed on a Boeing Model 747–400 series airplane. Investigation revealed that the end cap had been installed backwards. A properly installed end cap assembly does not normally react any significant engine thrust loads; it is intended to provide a secondary load path if the primary thrust linkage fails. An end cap installed backwards will react the engine thrust loads along with the primary thrust linkage, a condition which will result in premature fatigue failure of the end cap or bolts. In addition, fatigue analysis and testing have confirmed that a properly installed end cap would fail within a low number of flight cycles after a primary thrust linkage failure. Failure of the end cap assembly, if not corrected, could lead to separation of the engine from the airplane in the event of a primary thrust linkage failure.

There is a high degree of similarity between the configurations of the engine installations on the Model 747–400 and certain Model 767 series airplanes. The FAA may consider rulemaking to address this condition on Model 747–400 series airplanes; therefore, this proposed rule is applicable only to Model 767 series airplanes.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 767–71A0087, dated October 10, 1996, which describes procedures for repetitive visual inspections to detect improper installation or fatigue damage of the end cap of the forward engine mount, and replacement of the end cap assembly with an improved assembly. Such replacement would eliminate the need for the repetitive inspections. Accomplishment of this replacement, as described in the alert service bulletin, is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the alert service bulletin described previously, except as discussed below.

Differences Between Proposed Rule and Alert Service Bulletin

Boeing Alert Service Bulletin 767–71A0087 divides the affected airplanes into three groups depending upon the particular engine configuration of the affected airplane, and provides different procedures depending upon group classification and engine on-wing flight cycles. Operators should note that the alert service bulletin specifies that operators of certain Group 2 airplanes should contact the manufacturer for instructions. However, this proposed AD would not require that the manufacturer be contacted, but rather that Group 2 airplanes (regardless of accumulated on-wing flight cycles) be treated the same as Group 1 airplanes. That is, this proposed AD would not distinguish between the two airplane groups; therefore, the proposed

inspections, terminating actions, and compliance times would be identical for both Group 1 and Group 2 airplanes.

In addition, some of the compliance times specified in this proposed rule are different from those stated in the alert service bulletin. Specifically, this proposed AD expresses certain compliance times in terms of both flight cycles and flight hours, whereas the alert service bulletin expresses certain compliance times in terms of flight hours only. The reason for this difference is to account for those airplanes on which average mission lengths vary significantly from the fleet norm.

Additionally, the alert service bulletin specifies that the visual inspections required by this proposed AD may be accomplished in accordance with either the Boeing 767 Airplane Maintenance Manual or ''an operator's equivalent procedure.'' However, this proposed AD requires that the actions be accomplished in accordance with the procedures specified in the Chapter 71–00–00 of the 767 Airplane Maintenance Manual. An ''operator's equivalent procedure'' may be used only if approved as an alternative method of compliance in accordance with the provisions specified in paragraph (e) of this proposed AD.

Cost Impact

There are approximately 239 airplanes of the affected design in the worldwide fleet. The FAA estimates that 96 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 37 work hours per airplane (18.5 work hours per engine) to accomplish the proposed inspections, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this proposed inspection on U.S. operators is estimated to be $213,120, or $2,220 per airplane, per inspection cycle.

It would take approximately 135 work hours per airplane (67.5 work hours per engine) to accomplish the proposed replacement of the forward engine mount end cap and bolts, at an average labor rate of $60 per work hour. Required parts would cost approximately $1,000 per airplane. Based on these figures, the cost impact of this proposed replacement on U.S. operators is estimated to be $873,600, or $9,100 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 97–NM–186–AD.

Applicability: Model 767 series airplanes; as listed in Boeing Alert Service Bulletin 767–71A0087, dated October 10, 1996; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (f) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent possible separation of the engine from the airplane in the event of a primary thrust linkage failure, accomplish the following:

(a) For Groups 1 and 2 airplanes: Except as provided by paragraph (c) of this AD, accomplish paragraphs (a)(1), (a)(2), and (a)(3) of this AD, as applicable, in accordance with Boeing Alert Service Bulletin 767–71A0087, dated October 10, 1996.

(1) Within 500 flight hours or 300 flight cycles after the effective date of this AD, whichever occurs later: Accomplish Work Package 1 (visual inspection of the forward engine mount). Thereafter, repeat Work Package 1 at the intervals specified in the alert service bulletin until the requirements of either paragraph (a)(2) or (a)(3) of this AD are accomplished.

(2) Prior to the accumulation of 16,000 total flight cycles on any engine or within 500 flight hours or 300 flight cycles after the effective date of this AD, whichever occurs latest: Accomplish Work Package 2 (non-destructive test inspection of the forward engine mount). Thereafter, repeat Work Package 2 on that engine at the intervals specified in the alert service bulletin until the requirements of paragraph (a)(3) of this AD are accomplished. Accomplishment of Work Package 2 constitutes terminating action for the repetitive inspections required by paragraph (a)(1) of this AD for that engine.

(3) Within 3 years after the effective date of this AD: Accomplish Work Package 3 (end cap and bolt replacement of the forward engine mount). Accomplishment of Work Package 3 constitutes terminating action for the requirements of this AD.

(b) For Group 3 airplanes: Within 3 years after the effective date of this AD, accomplish Work Package 4 (Bolt Replacement) in accordance with Boeing Alert Service Bulletin 767–71A0087, dated October 10, 1996.

(c) Where Boeing Alert Service Bulletin 767–71A0087, dated October 10, 1996, specifies that the actions required by this AD may be accomplished in accordance with an ''operator's equivalent procedure,'' the actions must be accomplished in accordance with Chapter 71–00–00 of the Boeing 767 Airplane Maintenance Manual (AMM), as specified in the alert service bulletin.

(d) If any discrepancy (including an improperly installed end cap or fatigue damage to the end cap assembly or thrust linkage) is found during any inspection required by this AD, prior to further flight, accomplish Work Package 3 in accordance with Boeing Alert Service Bulletin 767–71A0087, dated October 10, 1996.

(e) As of the effective date of this AD, no person shall install a forward engine mount end cap having part number 310T3026–1 on any airplane.

(f) An alternative method of compliance or adjustment of the compliance time that

provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(g) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on May 14, 1998.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–13406 Filed 5–19–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Ch. XVII

Fire Protection for Shipyard Employment Negotiated Rulemaking Advisory Committee; Meeting

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Fire Protection for Shipyard Employment Negotiated Rulemaking Advisory Committee; notice of open meeting.

SUMMARY: The Occupational Safety and Health Administration announces a meeting of the Fire Protection for Shipyard Employment Negotiated Rulemaking Advisory Committee. OSHA invites all interested persons to attend. The members represent groups interested in, or significantly affected by, the outcome of the rulemaking. They include representatives of shipyards, labor unions, professional associations, and government agencies. The committee will continue its discussions on a proposed standard to protect workers from fire hazards in shipyard employment, including the following areas: scope and application; administrative, engineering, and work practice controls; fire brigades; written fire plans; technological advances; cost of fire protection; and the content of appendices. The committee's goal is reach consensus on a proposed standard and explanatory preamble.

DATES: The meeting dates are Monday, June 15, 1998 through Wednesday, June 17, 1998 from 8:00 a.m. to about 4:00 p.m. daily. Submit comments, requests for oral presentations, and requests for disability accommodations by June 1, 1998.

ADDRESSES: The meeting will be held at the Maritime Institute of Technology and Graduate Studies (MITAGS), 5700 Hammonds Ferry Road, Linthicum Heights, MD 21090, telephone (410) 859–5700. Mail comments and requests for oral presentations to Mr. Joseph V. Daddura, U.S. Department of Labor, OSHA, Office of Maritime Standards, 200 Constitution Avenue, NW, Room N–3621, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Mr. Joseph V. Daddura, Project Officer, Office of Maritime Standards, OSHA (202–219–7234, ext. 123). For disability accommodations, contact Ms. Theda Kenney (202–219–8061, ext. 100).

SUPPLEMENTARY INFORMATION:

Meeting Agenda

The committee will focus its discussions on definitions and on provisions that address ships fixed fire protection systems. Potential impacts of a proposed rule on small employers will also be addressed.

Public Participation

Interested persons may send written comments, data, views, or statements for consideration by the Committee to Mr. Joseph V. Daddura. Interested persons may also request the opportunity to make an oral presentation to the committee by providing Mr. Daddura with a summary of the proposed presentation, an estimate of the time desired, and a statement of the interest that the person represents. The facilitator may allow such presentations if there is adequate time in the meeting schedule.

Authority: This document is issued pursuant to the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561 et seq.) and Section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656).

Signed at Washington, D.C., this 13th day of May 1998.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 98–13413 Filed 5–19–98; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

[KY–218–FOR]

Kentucky Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Kentucky regulatory program (hereinafter the ''Kentucky program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to the Kentucky statutes pertaining to bonding and permit renewal. The amendment is intended to revise the Kentucky program to be consistent with the corresponding Federal regulations.

DATES: Written comments must be received by 4:00 p.m., [E.D.T.], June 19, 1998. If requested, a public hearing on the proposed amendment will be held on June 15, 1998. Requests to speak at the hearing must be received by 4:00 p.m., [E.D.T.], on June 4, 1998.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to William J. Kovacic, Director, at the address listed below.

Copies of the Kentucky program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Lexington Field Office.

William J. Kovacic, Director, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 2675 Regency Road, Lexington, Kentucky 40503. Telephone: (606) 233–2494.

Department of Surface Mining Reclamation and Enforcement, 2 Hudson Hollow Complex, Frankfort, Kentucky 40601. Telephone: (502) 564–6940.

FOR FURTHER INFORMATION CONTACT: William J. Kovacic, Director, Lexington Field Office, Telephone: (606) 233–2494.

SUPPLEMENTARY INFORMATION:

I. Background on the Kentucky Program

On May 18, 1982, the Secretary of the Interior conditionally approved the Kentucky program. Background information on the Kentucky program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the May 18, 1982, **Federal Register** (47 FR 21404). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 917.11, 917.13, 917.15, 917.16, and 917.17.

II. Description of the Proposed Amendment

By letter dated April 23, 1998 (Administrative Record No. KY–1425), Kentucky submitted a proposed amendment to its program. House Bills (HB) 354, 498, and 593 (effective July 15, 1998) revise section 350 of the Kentucky Revised Statues (KRS) at 350.990(11), 350.131(2), 350.139(1), 350.990(1), and 350.060(16).

Specifically, Kentucky proposes to make the following changes. HB 354 confirms Executive Order 97–714, June 11, 1997, which changed the name of the Division of Abandoned Lands to the Division of Abandoned Mine Lands and corrects the name in KRS 350.990(11). HB 498 completes the package of bonding reforms jointly recommended by the State, OSM, and others. It requires that when a bond is forfeited, and the entire forfeited amount is more than necessary to complete reclamation, the unused funds less any accrued interest shall be returned to the party from whom they were collected at KRS 350.131(2). It establishes the bond forfeiture supplemental fund at KRS 350.139(1) and requires that funds from forfeited reclamation bonds be placed in an interest-bearing account. The interest becomes a supplemental fund that can be used to reclaim any lands where a forfeited bond is insufficient to complete the necessary reclamation. No more that 25% of the supplemental fund can be expended on a single site, unless a larger expenditure is necessary to abate an imminent danger to public health or safety. At KRS 350.990(1), HB 498 provides for a potential second source of money for the supplemental fund. The first $800,000 of collected civil penalties for coal mining violations will be deposited into the General Fund. One-half of the excess will go to the new bond forfeiture supplemental fund, but only when the balance in the Bond Pool Fund (Fund) is above the maximum of the operating range necessary to ensure its solvency. No diversion of excess penalty income from the Fund to the supplemental fund will occur until the Fund balance reaches $16 million, or a larger amount established by the most recent actuarial study of the Fund. If the Fund falls below $16 million (or higher amount established by the study), all excess moneys shall be deposited into the Fund until it reaches $16 million. HB 593 revises KRS 350.060(16) to require that a notice of noncompliance be issued if a permit has expired or if a permit renewal application has not been timely filed and the operator or permittee wants to continue the mining operation. The notice of noncompliance shall be deemed to have been complied with, and the permit may be renewed, if a permit renewal application is received within 30 days of the receipt of the notice of noncompliance. Upon submittal of a permit renewal application, the operator or permittee shall be deemed to have timely filed the permit renewal application and shall be permitted to continue, under the terms of the expired permit, the mining operation, pending issuance of the permit renewal. Failure to comply with the remedial measures of the notice of noncompliance shall result in the cessation of the mining operation.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Kentucky program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Lexington Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., [E.D.T.] on June 4, 1998. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.** All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES.** A written summary of each meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions or proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and

its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 917

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 13, 1998.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 98–13340 Filed 5–19–98; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 20

46 CFR Part 5

[USCG–1998–3472]

RIN 2115–AF59

Rules of Practice, Procedure, and Evidence for Administrative Proceedings of the Coast Guard

AGENCY: Coast Guard, DOT.

ACTION: Reopening of comment period on notice of proposed rulemaking.

SUMMARY: The Coast Guard is reopening the period for public comment on its Notice of Proposed Rulemaking (NPRM), Rules of Practice, Procedures, and Evidence for Administrative Proceedings of the Coast Guard. Because of several requests for extension, the Coast Guard is reopening the period for 30 days.

DATES: Comments must reach the Coast Guard on or before June 19, 1998.

ADDRESSES: You may mail comments to the Docket Management Facility [USCG–1998–3472], U.S. Department of Transportation (DOT), Room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001, or deliver them to room PL–401, located on the Plaza Level of the Nassif Building at the same address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

The Docket Management Facility maintains the public docket for this rulemaking. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room PL–401, located on the Plaza Level of the Nassif Building at the above address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also electronically access the public docket for this rulemaking on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: For information on the public docket, contact Carol Kelley, Coast Guard Dockets Team Leader, or Paulette Twine, Chief, Documentary Services Division, U.S. Department of Transportation, telephone 202–366–9329; for information concerning the notice of proposed rulemaking (NPRM) provisions, contact George J. Jordan, Attorney-Advisor, Office of the Chief Administrative Law Judge, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. His telephone number is 202–267–0006.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Notice of Proposed Rulemaking (NPRM), published on April 6, 1998 (63 FR 16731), encouraged interested persons to participate in this rulemaking by submitting written data, views, or arguments by May 6, 1998. This request does the same, except that it asks them by June 19, 1998.

Persons submitting comments should include their names and addresses, identifying this rulemaking (USCG–1998–3472) and the specific section of this document to which each comment applies, and give the reason for each comment. Please submit one copy of all comments and attachments in an unbound format, no larger than 8½ by 1 inches, suitable for copying and electronic filing to the DOT Docket Management Facility at the address under **ADDRESSES**. If you want acknowledgment of receipt of your comment, enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposed rule in view of the comments.

The Coast Guard plans no public meeting. Persons may request a public meeting by writing to the Docket Management Facility at the address under **ADDRESSES.** The request must identify this docket (USCG–1998–3472) and should include the reasons why a public meeting would be helpful to this rulemaking. If an opportunity for oral presentations will help the rulemaking procedures, the Coast Guard will hold a public meeting at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The Coast Guard seeks to improve its adjudication process. This improvement would also affect certain actions involving merchant mariners. First, the proposed rule would consolidate all Coast Guard adjudicative procedures to include the following: the suspension and revocation (S&R) of merchant mariners' licenses, certificates of registry, and documents and the procedures involving class II civil penalties. Second, the proposed rule would eliminate unnecessary procedures from S&R proceedings. The Coast Guard expects the proposed rule to facilitate the efficient use of administrative resources relating to Coast Guard adjudication. It would save time, effort, and money for all parties

who are or may become involved in Coast Guard actions.

Signed: 14 May 1998.

Robert S. Horowitz,

Chief Counsel (Acting).

[FR Doc. 98–13400 Filed 5–19–98; 8:45 am]

BILLING CODE 4310–15–M

DEPARTMENT OF DEFENSE

DEPARTMENT OF TRANSPORTATION

Coast Guard

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AI31

Advance Payments and Lump-Sum Payments of Educational Assistance

AGENCIES: Defense; Coast Guard, Transportation; and Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the educational assistance regulations of the Department of Veterans Affairs (VA) dealing with the advance payment and lump-sum payment of educational assistance. VA is proposing to amend these regulations by removing provisions that no longer apply and by making other changes for the purpose of clarification. This will make these regulations easier to use.

DATES: Comments must be received on or before July 20, 1998.

ADDRESSES: Mail or hand-deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue, NW, Room 1154, Washington, DC 20420. Comments should indicate that they are submitted in response to ''RIN 2900–AI31''. All written comments received will be available for public inspection at the above address in the Office of Regulations Management between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: William G. Susling, Jr., Education Advisor, Education Service, Veterans Benefits Administration, 202–273–7187.

SUPPLEMENTARY INFORMATION: For many decades VA by statute has permitted veterans, servicemembers, eligible persons, and reservists to receive an advance payment of educational assistance provided that they request such a payment and certain other requirements are met. These payments have covered educational assistance scheduled to be paid to the individual during the first month or fraction of a month and the following month in a term or school year. Similarly, some individuals in some of the educational programs VA administers are able in certain circumstances to receive a lump-sum payment covering the educational assistance due for an entire term.

The regulations governing these payments have accumulated obsolete provisions over the years, and have been written in a way that is not always easy to understand. This proposed rule removes these obsolete provisions and makes other clarifying changes. Moreover, VA may make advance payments under many of the educational programs the department administers. The rules governing advance payments are the same for all of those educational programs. There appears to be no need to repeat those rules in each subpart of part 21, 38 CFR. Consequently, VA is proposing to replace the repetition of those rules with references to the complete statement of the advance payment rules that are proposed in subpart D.

Current regulations allow VA to make lump-sum payments to trainees in both the Survivors' and Dependents' Educational Assistance program (DEA) and in the Montgomery GI Bill—Active Duty (MGIB). The rules for making these payments are the same for both programs. There appears to be no need to repeat these rules in both of the affected subparts of Part 21, 38 CFR. Consequently, VA is proposing to replace the repetition of those rules with references to the complete statement of the lump-sum payment rules that are proposed in subpart D. There are no substantive changes in this proposed rule.

Paperwork Reduction Act

The Office of Management and Budget (OMB) has determined that the proposed 38 CFR 21.4138(a) would constitute a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). Accordingly, under § 3507(d) of the Act VA has submitted a copy of this rulemaking action to OMB for its review.

Title: Request for an Advance Payment of Educational Assistance.

Summary of collection of information: The collection of information in the proposed revisions to § 21.4138(a) in this rulemaking proceeding implements a statutory provision that mandates that an individual who wishes to receive an advance payment of educational assistance must ask for it.

Description of need for information and proposed use of information: The information required in § 21.4138(a) is needed so that VA may make advance payments of educational assistance to those who want such payments.

Description of likely respondents. Veterans, reservists, and eligible persons receiving educational assistance under the programs VA administers.

Estimated number of respondents: 75,000 each year.

Estimated frequency of responses: Occasionally, when a veteran, reservist, or eligible person wants an advance payment of educational assistance at the start of an enrollment period.

Estimated total annual reporting and recordkeeping burden: 6,250 hours of reporting burden. VA does not believe that there will be additional recordkeeping burden.

Estimated average burden per respondent: 5 minutes.

The Department considers comments by the public on proposed collections of information in—

- Evaluating whether the proposed collection(s) of information are necessary for the proposed performance of the functions of the Department, including whether the information will have practical utility;
- Evaluating the accuracy of the Department's estimate of the burden of the proposed collections of information, including the validity of the methodology and assumptions used;
- Minimizing the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

OMB is required to make a decision concerning the collection of information contained in this proposed rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

The Department of Defense (DOD) and VA are jointly issuing this proposed rule insofar as it relates to the Post-Vietnam Era Veterans' Educational Assistance program. This program is funded by DOD and administered by VA. DOD, the Department of Transportation (Coast Guard), and VA are jointly issuing this proposed rule insofar as it relates to the Montgomery GI Bill—Selected Reserve. This program is funded by DOD and the Coast Guard, and is administered by

VA. The remainder of this proposed rule is issued solely by VA.

The signers of this document hereby certify that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. The adoption of this proposed rule would not make substantive changes. It would remove provisions that no longer apply and make other changes for purposes of clarification.

The Catalog of Federal Domestic Assistance numbers for the programs affected by this proposed rule are 64.117, 64.120, and 64.124. The proposed rule will also affect the Montgomery GI Bill—Selected Reserve for which there is no Catalog of Federal Domestic Assistance number.

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Defense Department, Education, Employment, Grant programs—education, Grant programs—veterans, Health care, Loan programs-education, Loan programs—veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: May 12, 1998.

Togo D. West, Jr.,

Secretary.

Approved: March 16, 1998.

Norman G. Lezy,

Lieutenant General, USAF, Deputy Assistant Secretary (Military Personnel Policy), Department of Defense.

Approved: February 26, 1998.

G.F. Woolever,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Human Resources.

For the reasons set out in the preamble, 38 CFR part 21 is proposed to be amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Assistance Programs

1. The authority citation for subpart D continues to read as follows:

Authority: 10 U.S.C. ch. 1606; 38 U.S.C. 501(a), 38 U.S.C. chs. 30, 32, 34, 35, 36, unless otherwise noted.

2. In § 21.4138, the introductory text is removed; paragraphs (c) and (d) are removed and reserved; and paragraphs (a) and (b) are revised to read as follows:

§ 21.4138 Certifications and release of payments.

(a) *Advance payments.* (1) VA will make payments of educational assistance in advance when:

(i) The veteran, servicemember, reservist, or eligible person has specifically requested such a payment;

(ii) The student is enrolled for half time or more;

(iii) The educational institution at which the veteran, servicemember, reservist, or eligible person is accepted or enrolled has agreed to and can satisfactorily carry out the provisions of 38 U.S.C. 3680(d)(4)(B) and (C) and (5) pertaining to receipt, delivery, or return of checks and certifications of delivery and enrollment;

(iv) The Director of the VA field facility of jurisdiction has not acted under paragraph (a)(4) of this section to prevent advance payments being made to the veteran's, servicemember's, reservist's, or eligible person's educational institution;

(v) There is no evidence in the veteran's, servicemember's, reservist's, or eligible person's claim file showing that he or she is not eligible for an advance payment;

(vi) The period for which the veteran, servicemember, reservist, or eligible person has requested a payment either—

(A) Is preceded by an interval of nonpayment for 30 days or more; or

(B) Is the beginning of a school year that is preceded by a period of nonpayment of 30 days or more; and

(vii) The educational institution or the veteran, servicemember, reservist, or eligible person has submitted the certification required by § 21.7151.

(2) The amount of the advance payment to a veteran, reservist, or eligible person is the educational assistance for the month or fraction thereof in which the term or course will begin plus the educational assistance for the following month. The amount of the advance payment to a servicemember is the amount payable for the entire term, quarter, or semester, as applicable.

(3) VA will mail advance payments to the educational institution for delivery to the veteran, servicemember, reservist, or eligible person. The educational institution will not deliver the advance payment check more than 30 days in advance of the first date of the period for which VA makes the advance payment.

(4) The Director of the VA field station of jurisdiction may direct that advance payments not be made to individuals attending an educational institution if:

(i) The educational institution demonstrates an inability to comply with the requirements of paragraph (a)(3) of this section;

(ii) The educational institution fails to provide adequately for the safekeeping of the advance payment checks before delivery to the veteran, servicemember, reservist, or eligible person or return to VA; or

(iii) The Director determines, based on compelling evidence, that the educational institution has demonstrated its inability to discharge its responsibilities under the advance payment program.

(Authority: 10 U.S.C. 16136(b), 38 U.S.C. 3034, 3680(d))

(b) *Lump-sum payments.* A lump-sum payment is a payment of all educational assistance due for an entire quarter, semester, or term. VA will make a lump-sum payment to:

(1) A veteran or servicemember pursuing a program of education at less than the half-time rate under 38 U.S.C. chapter 30;

(2) A servicemember pursuing a program of education at the half-time rate or greater under 38 U.S.C. chapter 30, provided that VA did not make an advance payment to the servicemember for the term for which a lump-sum payment would otherwise be due; and

(3) An eligible person pursuing a program of education at less than the half-time rate under 38 U.S.C. chapter 35.

(Authority: 38 U.S.C. 3034(c), 3680(f))

* * * * *

Subpart G—Post-Vietnam Era Veterans' Educational Assistance Under 38 U.S.C. Chapter 32

3. The authority citation for part 21, subpart G continues to read as follows:

Authority: 38 U.S.C. 501(a), ch. 32, unless otherwise noted.

4. Section 21.5135 is revised to read as follows.

§ 21.5135 Advance payments.

VA will apply the provisions of § 21.4138(a) in making advance payments to veterans and servicemembers.

(Authority: 38 U.S.C. 3241, 3680)

Subpart K—All Volunteer Force Educational Assistance Program (Montgomery GI Bill—Active Duty)

5. The authority citation for part 21, subpart K continues to read as follows:

Authority: 38 U.S.C. 501(a), ch. 30, 36, unless otherwise noted.

6. In § 21.7140, paragraph (b) is removed; paragraphs (c), (d), (e), (f), and

(g) are redesignated as paragraphs (b), (c), (d), (e), and (f), respectively; and paragraph (a) is revised, to read as follows:

§ 21.7140 Certifications and release of payments.

(a) *Advance payments and lump-sum payments.* VA will apply the provisions of § 21.4138 (a) and (b) in making advance payments and lump-sum payments to veterans and servicemembers.

(Authority: 38 U.S.C. 3034 and 3680)

* * * * *

Subpart L Educational Assistance for Members of the Selected Reserve

7. The authority citation for part 21, subpart L continues to read as follows:

Authority: 10 U.S.C. ch. 1606; 38 U.S.C. 501, unless otherwise noted.

8. In § 21.7640, the authority citations for paragraphs (b), (c), (e), and (f) are amended by removing ''; Pub. L. 98–525''; and paragraph (e) is amended by removing ''paragraph (d) of this section'' and adding, in its place, ''§ 21.4138(a)''; and paragraph (d) is revised to read as follows:

§ 21.7640 Release of payments.

* * * * *

(d) *Advance payments.* VA will apply the provisions of § 21.4138(a) in making advance payments to reservists.

(Authority: 10 U.S.C. 16136(b), 38 U.S.C. 3680)

* * * * *

[FR Doc. 98–13366 Filed 5–19–98; 8:45 am]

BILLING CODE 8320–01–P

Notices

Federal Register
Vol. 63, No. 97
Wednesday, May 20, 1998

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Arkansas Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Arkansas Advisory Committee to the Commission will convene at 4:00 p.m. and adjourn at 8:00 p.m. on June 11, 1998, at the North Little Rock Hilton, Two Riverfront Place, North Little Rock, Arkansas 72114. The purpose of the meeting is project planning.

Persons desiring additional information, or planning a presentation to the Committee, should contact Melvin L. Jenkins, Director of the Central Regional Office, 913–551–1400 (TDD 913–551–1414). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, May 11, 1998.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 98–13364 Filed 5–19–98; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Rhode Island Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Rhode Island Advisory Committee to the Commission will convene at 9:00 a.m. and adjourn at 12:30 p.m. on June 5, 1998, at the Rhode Island State House, Room 102, Providence, Rhode Island 02903. The purpose of the meeting is for the Committee to discuss the status of their project, ''An Examination of the Impact of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 on Legal Immigrants in Rhode Island,'' and plan future events.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Robert Lee, 401–351–2712, or Ki-Taek Chun, Director of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, May 11, 1998.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 98–13363 Filed 5–19–98; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Fish Tagging Report

ACTION: Proposed Collection; Comment Request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before July 20, 1998.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Dave Rosenthal, Southeast Fisheries Science Center, 75 Virginia Beach Drive, Miami, FL 33149 (305) 361–4253.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Cooperative Gamefish Tagging Program (CGFTP) was initiated in 1971 as part of a comprehensive research program resulting from passage of Public Law 86–395 and other legislative acts under which the National Marine Fisheries Service operates. The program attempts to determine the migratory patterns and other biological information of billfish, tunas, and other highly migratory species. The Fish Tagging Report card and the Fish Tag Issue Report card are necessary when a tag is used. They are provided to the angler with the tags. When an angler receives the tags, he/she returns the Tag Issue Report card to NMFS to register the series of tags that were issued. When the angler releases a fish, he/she takes the Fish Tagging Report Card with a tag attached, removes the numbered tag, applies the tag to the fish, and then mails the completed card (which has a number matching the tag number) to NMFS, where the data is stored.

II. Method of Collection

Fishermen volunteer to tag and release their catch. When requested, NMFS provides the volunteers with fish tags for their use when they release their fish. Usually a group of five tags are sent at one time. When the angler receives their tags, they respond by completing the Tag Issue Report card and submits this to NMFS. When a tag is applied to a fish, the corresponding data is reported on the Fish Tagging Report card and submitted to NMFS. When a tagged fish is recaptured, the tag has the address of NMFS and a tag number. The person with the tagged fish can mail it back to NMFS where information on the fish is recorded and matched with the release data. The Tag Recapture Card is cleared under OMB Approval Number 0648–0259.

III. Data

OMB Number: 0648–0247.
Type of Review: Regular Submission.
Affected Public: Individuals.
Estimated Number of Respondents: 10,000.

Estimated Time per Response: 2 minutes.

Estimated Annual Burden Hours: 300.

Estimated Total Annual Cost to Public: $0 (no capital expenditures are required).

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: May 14, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 98–13381 Filed 5–19–98; 8:45 a.m.]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Southeast Region Gear Identification Requirements

ACTION: Proposed collection; comment request

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before July 20, 1998.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue NW, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Edward E. Burgess, 9721 Executive Center Drive North, St. Petersburg, FL, 33702, 813–570–5326.

SUPPLEMENTARY INFORMATION:

I. Abstract

Under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) NOAA is responsible for management of the Nation's marine fisheries. As part of its efforts to enforce fishery regulations, NOAA has included in some of those regulations requirements that fishing gear be marked. The ability to link gear to its owner or operator is essential for enforcement in these fisheries, and the identification of gear is also useful in actions concerning the damage or loss of gear. NOAA has previously received Paperwork Reduction Act clearance for all of its gear-marking requirements under one Office of Management and Budget (OMB) control number, 0648–0305, but for internal management reasons NOAA intends that future clearances will be obtained on a regional or fishery basis. This notice is for the requirements imposed in the Southeast Region for the following: coral aquacultured live rock; golden crab traps; reef fish traps and floats; Spanish mackerel gillnet floats; spiny lobster traps; snapper-grouper traps (pots); stone crab traps.

II. Method of Collection

Fishermen in selected fisheries must mark their fishing gear. Aquacultured live rock which is not geologically distinguishable from naturally occurring substrate must be marked or tagged. Each fish or spiny lobster trap or pot must be marked with a tag and a buoy must be used to mark the traps. Gillnets for Spanish mackerel on the east coast of Florida must be marked with floats.

III. Data

OMB Number: New Number to be Assigned.

Form Number: N/A.

Type of Review: Regular submission.

Affected Public: Business and other for-profit organizations.

Estimated Number of Respondents: 1,000.

Estimated Time Per Response: Each trap will require 7 minutes to mark. It will take 10 seconds to mark each coral rock and it will take 20 minutes to mark a Spanish mackerel gillnet float.

Estimated Total Annual Burden Hours: 2,187.

Estimated Total Annual Cost to Public: $15,275.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: May 14, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 98–13384 Filed 5–19–98; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Marine Recreational Fishery Statistics Survey

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before July 20, 1998.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Stephen Meyers, Fisheries

Statistics and Economics Division (F/ST1), Office of Science and Technology, National Marine Fisheries Service, 1315 East West Highway, Silver Spring, MD 20910. (301) 713–2328.

SUPPLEMENTARY INFORMATION:

I. Abstract

These data are required to carry out provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 USC 1801 *et seq.*), as amended. Marine recreational anglers are surveyed for catch and effort data, fish biology data, and angler socioeconomic characteristics.

II. Method of Collection

A random-digit-dialing telephone household survey collects data on the number of fishing trips and on the proportion of marine fishing households by county of the survey area. On-site intercept interviews of marine recreational anglers collects data on the catch per trip by species.

III. Data

OMB Number: 0648–0052.
Form Numbers: None.
Type of Review: Regular submission.
Affected Public: Individuals (U.S. marine recreational anglers).
Estimated Number of Respondents: 428,000.
Estimated Time Per Response: Approximately 7–8 minutes per survey of fishermen or fishing households and 1 minute for contacts of non-fishing households.
Estimated Total Annual Burden Hours: 16,459.
Estimated Total Annual Cost to Public: $0 (no capital expenditures required.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: May 14, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 98–13385 Filed 5–19–98; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

High Seas Fishing Application Information

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before July 20, 1998.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Bob Dickinson, Office of Sustainable Fisheries, International Fisheries Division, 1315 East West Highway, Silver Spring, Maryland 20910, (301) 713–2337.

SUPPLEMENTARY INFORMATION:

I. Abstract

United States vessels that fish on the high seas are required to possess a permit issued under the High Seas Fishing Compliance Act (16 U.S.C. 5501 *et seq.* and 50 CFR 300.13). Applicants must submit application information to identify their vessels and intended fishing areas. The application information is used to process applications and maintain a register of U.S. vessels authorized to fish on the high seas.

II. Method of Collection

The submission of a form is required.

III. Data

OMB Number: 0648–0304.
Form Number: None.
Type of Review: Regular submission.
Affected Public: Business and other for-profit (owners/operators of vessels fishing on the high seas).
Estimated Number of Respondents: 200.
Estimated Time Per Response: .5 hour each.
Estimated Total Annual Burden Hours: 100.
Estimated Total Annual Cost to Public: $0 (no capital expenditures).

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: May 14, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 98–13386 Filed 5–19–98; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket No. 980512125–8125–01]

Decennial Population and Housing Count Determination for Places Incorporating or Annexing Between the National Censuses

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of temporary termination of program.

SUMMARY: This document serves notice to state and local governments and to other Federal agencies that for the next three years, beginning on June 1, 1998, the Bureau of the Census will not provide the operations necessary to determine the April 1, 1990 census population and housing unit counts for entities that annex territory, or that

incorporate or organize as counties, boroughs, cities, towns, villages, townships, or other general purpose governments, between the 1990 and 2000 decennial censuses.

EFFECTIVE DATE: June 1, 1998.

FOR FURTHER INFORMATION CONTACT: Dr. Joel L. Morrison, Chief, Geography Division, Bureau of the Census, Washington, D.C. 20233–7400, telephone (301) 457–1132, e-mail at jmorrison@geo.census.gov.

SUPPLEMENTARY INFORMATION: The Bureau of the Census first began to make these count determinations in 1972 in response to the requests of local governments to establish eligibility for participation in the General Revenue Sharing Program, authorized under Pub. L. 92–512. At that time, the Bureau of the Census established a fee-paid program enabling entities with annexations to obtain updated decennial census population counts that reflected the population living in the boundary change areas. The Bureau of the Census received funding from the U.S. Department of the Treasury to make those determinations for larger annexations that met prescribed criteria and for the new incorporations. The General Revenue Sharing Program ended on September 30, 1986. The Bureau of the Census continued to fund the count update operation through fiscal year 1995 for the large annexations and through fiscal year 1996 for newly incorporated areas. There is no funded Federal legislative requirement that this work continue.

The Bureau of the Census will renew the program in the year 2001, after the availability of Census 2000 data, for those entities that desire the service, provided that any and all costs associated with this work are borne by the local governmental entity.

Authority to continue this program on a fee-for-service basis is contained in Title 13, United States Code, Section 8.

Dated: May 13, 1998.

James F. Holmes,

Acting Director, Bureau of the Census.

[FR Doc. 98–13389 Filed 5–19–98; 8:45 am]

BILLING CODE 3510–07–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 980]

Grant of Authority for Subzone Status CITGO Petroleum Co. (Petroleum Product Storage Facility), Broward County, FL

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, by an Act of Congress approved June 18, 1934, an Act ''To provide for the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved;

Whereas, an application from Broward County, Florida, grantee of FTZ 25, for authority to establish special-purpose subzone status at the petroleum product storage facility of CITGO Petroleum Company, in Broward County, Florida, was filed by the Board on July 11, 1997, and notice inviting public comment was given in the **Federal Register** (FTZ Docket 58–97, 62 FR 38972, 7/21/97); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby grants authority for subzone status at the petroleum product storage facility of CITGO Petroleum Company, located in Broward County, Florida (Subzone 25B), at the location described in the application, and subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed at Washington, DC, this 11th day of May 1998.

Robert S. LaRussa,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 98–13430 Filed 5–19–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–810]

Chrome-Plated Lug Nuts From Taiwan; Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Extension of time limit for preliminary results of antidumping duty administrative review of chrome-plated lug nuts from Taiwan.

SUMMARY: The Department of Commerce (''the Department'') is extending the time limit for the preliminary results of the sixth antidumping duty administrative review of the antidumping order on chrome-plated lug nuts from Taiwan. This review covers 18 producers and exporters of chrome-plated lung nuts. The period of review is September 1, 1996 through August 31, 1997.

EFFECTIVE DATE: May 20, 1998.

FOR FURTHER INFORMATION CONTACT: Todd Peterson or Thomas Futtner, AD/CVD Enforcement Group II, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230, telephone (202) 482–4195 or 482–3814, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930 (''the Act'') are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are references to the provisions codified at 19 CFR 351.101, et seq. (62 FR 27296—May 19, 1997).

Extension of Preliminary Results

The Department initiated this administrative review on October 30, 1997 (62 FR 58705). Under section 751(a)(3)(A) of the Act, the Department may extend the deadline for completion of an administrative review if it determines that it is not practicable to complete the review within the statutory time limit of 365 days. Because of the complexity and novelty of certain issues in this case, it is not practicable to complete this review within the statutory time limit of 365 days. The Department, therefore, is extending the time limit for the preliminary results of the aforementioned review to August 3, 1998. See memorandum from Maria Harris Tildon to Robert S. LaRussa, which is on file in Room B–099 at the Department's headquarters. The deadline for the final results of this review will continue to be 120 days after publication of the preliminary results.

This extension of time limit is in accordance with section 751(a)(3)(A) of the Act and section 351.213(h)(2) of the Department's regulations.

Dated: May 14, 1998.

Maria Harris Tildon,

Acting Deputy Assistant Secretary, AD/CVD Enforcement Group II.

[FR Doc. 98–13429 Filed 5–19–98; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Visiting Committee on Advanced Technology; Meeting

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of partially closed meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the Visiting Committee on Advanced Technology, National Institute of Standards and Technology (NIST), will meet Tuesday, June 9, 1998 from 8:30 a.m. to 5:00 p.m. The Visiting Committee on Advanced Technology is composed of fifteen members appointed by the Director of NIST who are eminent in such fields as business, research, new product development, engineering, labor, education, management consulting, environment, and International relations. The purpose of this meeting is to review and make recommendations regarding general policy for the Institute, its organization, its budget, and its programs within the framework of applicable national policies as set forth by the President and the Congress. The agenda will include an update on NIST programs, NIST Planning for International Standards and Recent Developments in international Standards, the Manufacturing Extension Partnership, and a laboratory tour. Discussions scheduled to begin at 8:30 a.m. and to end at 9:10 a.m. on June 9, 1998, on staffing of management positions at NIST and the NIST budget, including funding levels of the Advanced Technology Program and the Manufacturing Extension Partnership scheduled to begin at 4:30 p.m. and to end at 5 p.m. on June 9, 1998, will be closed.

DATES: The meeting will convene June 9, 1998, at 8:30 a.m. and will adjourn at 5 p.m. on June 9, 1998.

ADDRESSES: The meeting will be held in the Employees Lounge (seating capacity 80, includes 38 participants), Administration Building, at NIST, Gaithersburg, Maryland.

FOR FURTHER INFORMATION CONTACT: Chris E. Kuyatt, Visiting Committee Executive Director, National Institute of Standards and Technology, Gaithersburg, MD 20899, telephone number (301) 975–6090.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on February 13, 1998, that portions of the meeting of the Visiting Committee on Advanced Technology which involve discussion of proposed funding of the Manufacturing Extension Partnership and the Advanced Technology Program may be closed in accordance with 5 U.S.C. 552b(c)(9)(B), because those portions of the meetings will divulge matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency actions; and that portions of meetings which involve discussion of the staffing issues of management and other positions at NIST may be closed in accordance with 5 U.S.C. 552b(c)(6), because divulging information discussed in those portions of the meetings is likely to reveal information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Dated: May 14, 1998.

Robert E. Hebner,

Acting Deputy Director.

[FR Doc. 98–13427 Filed 5–19–98; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 051398A]

RIN 0648–AH77

Atlantic Shark Fisheries; Notice of Availability

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability.

SUMMARY: NMFS announces that the Highly Migratory Species Management Division has prepared a final document considering the economic effects and potential alternatives to the 1997 quotas on the Atlantic large coastal shark fishery, as ordered by the Middle District Court of Florida, Tampa Division, on February 26, 1998.

ADDRESSES: Requests for copies of the final document should be sent to Margo Schulze, Highly Migratory Species Management Division (F/SF1), National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Margo Schulze or Karyl Brewster-Geisz, 301–713–2347; fax: 301–713–1917.

SUPPLEMENTARY INFORMATION: The fishery for Atlantic sharks is managed under the Fishery Management Plan for Sharks of the Atlantic Ocean prepared by NMFS under authority of section 304(g) of the Magnuson-Stevens Fishery Conservation and Management Act, as amended, and was implemented on April 26, 1993, through regulations found at 50 CFR part 678.

On April 2, 1997 (62 FR 16648), NMFS reduced the large coastal shark commercial quota and recreational bag limit by 50 percent as proposed, with an exception for an additional recreational allowance of two Atlantic sharpnose sharks per person per trip. The prohibition on possession of white sharks was modified to allow for a catch-and-release-only recreational fishery. Otherwise, all measures were implemented as proposed. Partly because NMFS received comments that indicated the proposed measures may have a significant economic impact on a substantial number of small entities and because it wanted to ensure that the impacts were thoroughly analyzed, NMFS prepared a Final Regulatory Flexibility Analysis (FRFA) that assessed the economic impacts of the regulation on small entities engaged in the Atlantic shark fishery in the final rule. In that FRFA, NMFS reaffirmed its

conclusion from the proposed rule stage that the 1997 quotas would not have a significant economic impact on a substantial number of small entities engaged in the large coastal shark fishery.

On May 2, 1997, a coalition of commercial shark fishermen, dealers, and organizations sued the Secretary of Commerce (Secretary) to set aside the 1997 commercial shark quotas based on allegations of uncertainty in the data used in stock assessments, on lack of international management, and on NMFS' determination that there would be no significant economic impact on a substantial number of small entities engaged in the Atlantic shark fishery. On February 27, 1998, Judge Steven D. Merryday, U.S. District Court, Middle District of Florida, Tampa Division, issued an amended order that found ''that the Secretary acted within his regulatory discretion in setting the quotas but failed to conduct a proper analysis to determine the quota's economic effect on small businesses'' (p. 1). Judge Merryday ordered that the agency submit further analyses on or before May 15, 1998, and retained jurisdiction over the case pending review of the analyses. The quotas are maintained until further order of the Court. On April 14, 1998, NMFS announced the availability of the draft consideration of the economic effects and potential alternatives to the 1997 quotas on the Atlantic large coastal shark fishery in response to the judicial order. Public comment was requested on the assumptions, analysis, and conclusions in the draft document. The comments received were considered and used to improve the document. A summary of the comments and NMFS response to each are contained within the document. This final document was submitted to the United States District Court for the Middle District of Florida, Tampa Division, on May 15, 1998.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 14, 1998.

Gary C. Matlock,

Director, Office of Sustainable Fisheries National Marine Fisheries Service.

[FR Doc. 98–13352 Filed 5–19–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 051498A]

Small Takes of Marine Mammals Incidental to Specified Activities; Offshore Seismic Activities in the Beaufort Sea

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of receipt of application and proposed authorization for a small take exemption; request for comments.

SUMMARY: NMFS has received a request from Western Geophysical/Western Atlas International of Houston, Texas (Western Geophysical) for an authorization to take small numbers of marine mammals by harassment incidental to conducting seismic surveys in the Beaufort Sea in state and Federal waters. Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to authorize Western Geophysical to incidentally take, by harassment, small numbers of bowhead whales and other marine mammals in the above mentioned areas during the open water period of 1998.

DATES: Comments and information must be received no later than June 19, 1998.

ADDRESSES: Comments on the application should be addressed to Michael Payne, Chief, Marine Mammal Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3225. A copy of the application, a 1996 environmental assessment (EA), and a list of references used in this document may be obtained by writing to this address or by telephoning one of the contacts listed here.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead, (301) 713–2055, Brad Smith, (907) 271–5006.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, notice of a proposed authorization is provided to the public for review.

Permission may be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses and that the permissible methods of taking and requirements pertaining to the monitoring and reporting of such taking are set forth.

On April 10, 1996 (61 FR 15884), NMFS published an interim rule establishing, among other things, procedures for issuing incidental harassment authorizations under section 101(a)(5)(D) of the MMPA for activities in Arctic waters. For additional information on the procedures to be followed for this authorization, please refer to that document.

Summary of Request

On April 15, 1998, NMFS received an application from Western Geophysical requesting an authorization for the harassment of small numbers of several species of marine mammals incidental to conducting seismic surveys during the open water season in the Beaufort Sea between Harrison Bay and Flaxman Island, AK. Weather permitting, the survey is expected to take place between approximately July 1 and October 20, 1998. A detailed description of the work proposed for 1998 is contained in the application (Western Geophysical, 1998) and is available upon request (see **ADDRESSES**).

Description of Habitat and Marine Mammal Affected by the Activity

A detailed description of the Beaufort Sea ecosystem and its associated marine mammals can be found in the EA prepared for this authorization or in other documents (Minerals Management Service (MMS), 1992, 1996). This information is incorporated by reference and need not be repeated here. A copy of the EA is available upon request (see **ADDRESSES**).

Marine Mammals

The Beaufort/Chukchi Seas support a diverse assemblage of marine mammals, including bowhead whales (*Balaena mysticetus*), gray whales (*Eschrichtius robustus*), belukha (*Delphinapterus leucas*), ringed seals (*Phoca hispida*), spotted seals (*Phoca largha*) and bearded seals (*Erignathus barbatus*). Descriptions of the biology and distribution of these species and of others can be found in several other documents (Western Geophysical, 1998; BPXA, 1996b, 1998; Lentfer, 1988;

MMS, 1992, 1996; Small and DeMaster, 1995; Hill *et al.*, 1997). Please refer to those documents for information on these species.

Potential Effects of Seismic Surveys on Marine Mammals

Disturbance by seismic noise is the principal means of taking by this activity. Support vessels and aircraft will provide a secondary source of noise. The physical presence of vessels and aircraft could also lead to non-acoustic effects involving visual or other cues.

Seismic surveys are used to obtain data about formations several thousands of feet deep. The proposed seismic operation is an ocean bottom cable (OBC) survey. OBC surveys involve dropping cables from a ship to the ocean bottom, forming a patch consisting of 4 parallel cables 10 kilometers (km) (6.2 mi) long, separated 750 m (2,500 ft) from each other. Sensors (hydrophones) are attached to the cables. These hydrophones are used to detect seismic energy reflected back from underground rock strata. The original source of this energy is a submerged acoustic source, called a seismic airgun array, that releases compressed air into the water, creating an acoustical energy pulse that is directed downward toward the seabed. The source level planned for this project—a maximum of 249 dB re 1 μPa-m (zero to peak) or 53 bar-meters peak-to-peak from a 1,500 in^3 array of airguns—is in the lower to middle portion of the range of source levels commonly used for seismic operations with airgun arrays (Richardson *et al.*, 1995). Normally, 36 seismic lines are run for each patch, covering an area 6.0 km by 17.5 km (3.7 mi by 10.87 mi), centered over the patch.

After sufficient data have been recorded to allow accurate mapping of the rock strata, the cable is lifted onto the deck of a cable-retrieval vessel, moved to a new location (ranging from several hundred to a few thousand feet away), and placed onto the seabed again. For a more detailed description of the seismic operation, please refer to the application (Western Geophysical, 1998).

Depending upon ambient conditions and the sensitivity of the receptor, underwater sounds produced by open water seismic operations may be detectable a substantial distance away from the activity. Any sound that is detectable is (at least in theory) capable of eliciting a disturbance reaction by a marine mammal or of masking a signal of comparable frequency (Western Geophysical, 1998). An incidental harassment take is presumed to occur when marine mammals in the vicinity of the seismic source, the seismic vessel, other vessels, or aircraft react to the generated sounds or to visual cues.

Seismic pulses are known to cause bowhead whales to behaviorally respond within a distance of several kilometers (Richardson *et al.*, 1995). Although some limited masking of low-frequency sounds (e.g., whale calls) is a possibility, the intermittent nature of seismic source pulses (1 second in duration every 6 to 12 seconds) will limit the extent of masking. Bowhead whales are known to continue calling in the presence of seismic survey sounds, and their calls can be heard between seismic pulses (Richardson *et al.*, 1986). Masking effects are expected to be absent in the case of belukhas, given that sounds important to them are predominantly at much higher frequencies than are airgun sounds (Western Geophysical, 1998).

Hearing damage is not expected to occur during the project. It is not known whether a marine mammal very close to an airgun array would be at risk of temporary or permanent hearing impairment, but temporary threshold shift is a theoretical possibility for animals within a few hundred meters (Richardson *et al.*, 1995) of the source. However, planned monitoring and mitigation measures (described later in this document) are designed to detect marine mammals occurring near the array and to avoid exposing them to sound pulses that have any possibility of causing hearing damage.

When the received levels of noise exceed some behavioral reaction threshold, cetaceans will show disturbance reactions. The levels, frequencies, and types of noise that will elicit a response vary between and within species, individuals, locations, and seasons. Behavioral changes may be subtle alterations in surface, respiration, and dive cycles. More conspicuous responses include changes in activity or aerial displays, movement away from the sound source, or complete avoidance of the area. The reaction threshold and degree of response are related to the activity of the animal at the time of the disturbance. Whales engaged in active behaviors, such as feeding, socializing, or mating, are less likely than resting animals to show overt behavioral reactions, unless the disturbance is directly threatening (Western Geophysical, 1998).

Bowhead Whales

Various studies (Reeves *et al.*, 1984, Fraker *et al.*, 1985, Richardson *et al.*, 1986, Ljungblad *et al.*, 1988) have reported that, when an operating seismic vessel approaches within a few kilometers, most bowhead whales exhibit strong avoidance behavior and changes in surfacing, respiration, and dive cycles. Bowheads exposed to seismic pulses from vessels more than 7.5 km (4.5 mi) away rarely showed observable avoidance of the vessel, but their surface, respiration, and dive cycles appeared altered in a manner similar to that observed in whales exposed at a closer distance (BPXA, 1996a, 1996b, Western Geophysical, 1998).

Within a 6–99 km (3.7–60 mi) range, it has not been possible to determine a specific distance at which subtle behavioral changes no longer occur (Richardson and Malme, 1993), given the high variability observed in bowhead whale behavior (BPXA, 1996a, 1996b). Analysis of the results from BPXA's 1996 seismic monitoring program does not provide conclusive evidence about the radius of avoidance of bowheads to the seismic program. The peak number of bowhead sightings was 10–20 km (6.2–12.3 mi) from shore during no-seismic periods and 20–30 km (12.3–18.6 mi) from shore during periods that may have been influenced by seismic noise. This difference was not statistically significant, but the low numbers of sightings preclude meaningful interpretation (Western Geophysical, 1998).

Inupiat whalers believe that migrating bowheads are sometimes displaced at distances considerably greater than 6 to 8 km (3.7 to 5.0 mi)(Rexford, 1996). Scientific studies done to date have limitations as discussed in part by Moore and Clark (1992) and MMS (1996). It is possible that, when additional data are available, it will be demonstrated that bowheads sometimes do avoid seismic vessels at distances beyond 6 to 8 km (3.7 to 5.0 mi). Also, whalers have mentioned that bowheads sometimes seem more ''skittish'' and more difficult to approach when seismic exploration is underway in the area. This ''skittish'' behavior may be related to the observed subtle changes in the behavior of bowheads exposed to seismic pulses from distant seismic vessels (Richardson *et al.*, 1986).

Gray Whales

The reactions of gray whales to seismic pulses are similar to those of bowheads. Migrating gray whales along the California coast were noted to slow their speed of swimming, turn away from seismic noise sources, and increase their respiration rates. Malme *et al.* (1983, 1984, 1988) concluded that approximately 50 percent showed avoidance when the average received

pulse level was 170 dB (re 1 μPa @ 1 m). By some behavioral measures, clear effects were evident at average pulse levels of 160+dB; less consistent results were suspected at levels of 140–160 dB.

Belukha

The belukha is the only species of toothed whale (*Odontoceti*) expected to be encountered in the Beaufort Sea. Because their hearing threshold at frequencies below 100 Hz (where most of the energy from airgun arrays is concentrated) is poor (125 dB re 1 μPa @ 1 m) or more depending upon frequency (Johnson *et al.*, 1989; Richardson *et al.*, 1991, 1995), belukha are not predicted to be strongly influenced by seismic noise. However, because of the high source levels of seismic pulses, airgun sounds may be audible to belukha at distances of 100 km (Richardson and Wursig, 1997). The reaction distance for belukha, although presently unknown, is expected to be less than that for bowheads, given the presumed poorer sensitivity of belukhas than that of bowheads for low-frequency sounds (Western Geophysical, 1998).

Ringed, Largha and Bearded Seals

No detailed studies of reactions by seals to noise from open water seismic exploration have been published (Richardson *et al.*, 1995). However, there are some data on the reactions of seals to various types of impulsive sounds (J. Parsons as quoted in Greene, *et al.* 1985; Anon., 1975; Mate and Harvey, 1985). These studies indicate that ice seals typically either tolerate or habituate to seismic noise produced from open water sources.

Underwater audiograms have been obtained using behavioral methods for three species of phocinid seals, ringed, harbor, and harp seals (*Pagophilus groenlandicus*). These audiograms were reviewed in Richardson *et al.* (1995). Below 30–50 kHz, the hearing threshold of phocinids is essentially flat down to at least 1 kHz and ranges between 60 and 85 dB (re 1 μPa @ 1 m). There are few data on hearing sensitivity of phocinid seals below 1 kHz. NMFS considers harbor seals to have a hearing threshold of 70–85 dB at 1 kHz (60 FR 53753, October 17, 1995), and recent measurements for a harbor seal indicate that, below 1 kHz, its thresholds deteriorate gradually to 97 dB (re 1 μPa @ 1 m) at 100 Hz (Kastak and Schusterman, 1995a, b).

Because no studies to date have focused on pinniped reaction to underwater noise from pulsed, seismic arrays in open water (Richardson *et al.*, 1991, 1995), as opposed to in-air exposure to continuous noise, substantive conclusions are not possible at this time. However, assuming a sound pressure level of 80–100 dB over its threshold is needed in order to cause annoyance and 130 dB for injury (pain), as is the current thought based upon human studies (Advanced Research Projects Agency and NMFS, 1995), it appears unlikely that pinnipeds would be harassed or injured by low frequency sounds from a seismic source unless they were within close proximity of the array. For permanent injury, pinnipeds would likely need to remain in the high-noise field for extended periods of time. Existing evidence also suggests that, while they may be capable of hearing sounds from seismic arrays, seals appear to tolerate intense pulsatile sounds without known effect once they learn that there is no danger associated with the noise (see, for example, NMFS/Washington Department of Wildlife, 1995). In addition, they will apparently not abandon feeding or breeding areas due to exposure to these noise sources (Richardson *et al.*, 1991) and may habituate to certain noises over time. Since seismic work is fairly common in Beaufort Sea waters, pinnipeds have been previously exposed to seismic noise and may not react to it after initial exposure.

Other Effects

For a discussion on the anticipated effects of ships, boats, and aircraft, on marine mammals and their food sources, please refer to the application (Western Geophysical, 1998). Information on these effects is incorporated in this document by reference (see Western Geophysical, 1998).

Numbers of Marine Mammals Expected to be Taken

Western Geophysical estimates that the following numbers of marine mammals may be subject to Level B harassment, as defined in 50 CFR 216.3:

Species	Population size	Harassment takes in 1998	
		Possible	Probable
Bowhead	8,000	800	<400
Gray whale	23,000	<10	0
Belukha	41,610	250	<150
Ringed seal	1–1.5 million	400	<300
Spotted seal	>200,000	10	<5
Bearded seal	>300,000	50	<30

Effects of Seismic Noise and Other Activities on Subsistence Needs

The disturbance and potential displacement of marine mammals by sounds from seismic activities are the principle concerns related to subsistence use of the area. The harvest of marine mammals (mainly bowhead whales, ringed seals, and bearded seals) is central to the culture and subsistence economies of the coastal North Slope communities (Western Geophysical, 1998). In particular, if migrating bowhead whales are displaced farther offshore by elevated noise levels, the harvest of these whales could be more difficult and dangerous for hunters. The harvest could also be affected if bowheads become more skittish when exposed to seismic noise (Western Geophysical, 1998).

Nuiqsut is the community closest to the area of the proposed activity, and it harvests bowhead whales only during the fall whaling season. In recent years, Nuiqsut whalers typically take zero to four whales each season (Western Geophysical, 1998). Nuiqsut whalers concentrate their efforts on areas north and east of Cross Island, generally in water depths greater than 20 m (65 ft). Cross Island, the principle field camp location for Nuiqsut whalers, is located within the general area of the proposed seismic area. Thus, the possibility and timing of potential seismic operations in the Cross Island area requires Western Geophysical to provide NMFS with a Plan of Cooperation (also called the Communications and Avoidance Agreement) with North Slope Borough residents to avoid any unmitigable adverse impact on subsistence needs.

Whalers from the village of Kaktovik search for whales east, north, and west

of the village. Kaktovik is located 50 mi (80 km) east of the easternmost end of Western Geophysical's planned 1998 seismic exploration area. The westernmost reported harvest location was about 21 km (13 mi) west of Kaktovik, near 70°10′N, 144°W (Kaleak, 1996). That site is approximately 60 km (37 mi) east of the closest part of Western Geophysical's planned seismic exploration area for 1998 (Western Geophysical, 1998).

Whalers from the village of Barrow search for bowhead whales much further from the planned seismic area, >200 km (>125 mi) west (Western Geophysical, 1998).

The location of the proposed seismic activity is south of the center of the westward migration route of bowhead whales, but there is some overlap. Western Geophysical (1998) believes that, although whales may be able to hear the sounds emitted by the seismic array out to a distance of 50 km (30 mi) or more, it is unlikely that changes in migration route will occur at distances of >25 km (>15 mi). Alternatively, Inupiat whalers believe that bowheads begin to divert from their normal migration path more than 48 km (35 mi) away (MMS, 1996).

It is recognized that it is difficult to determine the maximum distance at which reactions occur (Moore and Clark, 1992). As a result, Western Geophysical will participate in a Communications and Avoidance Agreement with the whalers to reduce any potential interference with the hunt. Also, it is believed that the monitoring plan proposed by Western Geophysical (1998; also see LGL Ltd. and Greeneridge Sciences Inc, 1998) will provide information that will help resolve uncertainties about the effects of seismic exploration on the accessibility of bowheads to hunters.

While seismic exploration has some potential to influence subsistence seal hunting activities, the peak season for seal hunting is during the winter months when the harvest consists almost exclusively of ringed seals (Western Geophysical, 1998). In summer, boat crews hunt ringed, spotted and bearded seals (Western Geophysical, 1998). The most important sealing area for Nuiqsut hunters is off the Colville delta, extending as far west as Fish Creek and as far east as Pingok Island (Western Geophysical, 1998). This area overlaps with the westernmost portion of the planned seismic area. In this area, during summer, sealing occurs by boat when hunters apparently concentrate on bearded seals (Western Geophysical, 1998).

Mitigation

Western Geophysical plans to use biological observers to monitor marine mammal presence in the vicinity of the seismic array. To avoid the potential for serious injury to marine mammals, Western Geophysical will power down the seismic source if pinnipeds are sighted within the area delineated by the 190 dB isopleth or:

(1) within 60 m (197 ft) of a single airgun or an array of ≤60 in^3.

(2) within 170 m (558 ft) of an array >60 in^3 and ≤750 in^3 at <2.5 m (8.3 ft) depth;

(3) within 280 m (919 ft) of an array >60 in^3 and ≤750 in^3 operating at >2.5 m (8.3 ft) depth;

(4) within 200 m (656 ft) of an array >750 in^3 and ≤1500 in^3 operating at <2.5 m (8.3 ft) depth;

(5) within 350 m (1,148 ft) of an array >750 in^3 and ≤1500 in^3 operating at >2.5 m (8.3 ft) depth;

Western Geophysical will power down the seismic source if bowhead, gray, or belukha whales are sighted within the area delineated by the 180 dB isopleth or:

(1) within 160 m (525 ft) of a single airgun or an array of >60 in^3;

(2) within 660 m (2,165 ft) of an array >60 in^3 and ≤750 in^3 at <2.5 m (8.3 ft) depth;

(3) within 900 m (2,953 ft) of an array >60 in^3 and ≤750 in^3 operating at >2.5 m (8.3 ft) depth;

(4) within 700 m (2,297 ft) of an array >750 in^3 and ≤840 in^3 operating at <2.5 m (8.3 ft) depth; and

(5) within 900 m (2,953 ft) of an array >750 in^3 and ≤840 in^3 operating at >2.5 m (8.3 ft) depth;

In addition, Western Geophysical proposes to ramp-up the seismic source to operating levels at a rate no greater than 6 dB/min. If the array includes airguns of different sizes, the smallest gun will be fired first. Additional guns will be added at intervals appropriate to limit the rate of increase in source level to a maximum of 6 dB/min.

Monitoring

As part of its application, Western Geophysical provided a monitoring plan for assessing impacts to marine mammals from seismic surveys in the Beaufort Sea. This monitoring plan is described in Western Geophysical (1998) and in LGL Ltd. and Greeneridge Sciences Inc. (1998). Although Western Geophysical is prepared to discuss coordination of research to the extent practicable with other seismic operations, Western Geophysical is prepared to sponsor an independent program. As required by the MMPA, this monitoring plan will be subject to a peer-review panel of technical experts prior to formal acceptance by NMFS.

Preliminarily, Western Geophysical plans to conduct the following:

Vessel-Based Visual Monitoring

A minimum of two biologist-observers aboard the seismic vessel will search for and observe marine mammals whenever seismic operations are in progress, and for at least 30 minutes prior to planned start of shooting. These observers will scan the area immediately around the vessels with reticulated binoculars during the daytime and with night-vision equipment during the night (prior to mid-August, there are no hours of darkness). Individual watches will normally be limited to no more than 4 consecutive hours.

When mammals are detected within a safety zone designated to prevent injury to the animals (see Mitigation), the geophysical crew leader will be notified so that shutdown procedures can be implemented immediately.

Aerial Surveys

From September 1, 1998, until 3 days after the seismic program ends, aerial surveys will be conducted daily, weather permitting. The primary objective will be to document the occurrence, distribution, and movements of bowhead and belukha whales in and near the area where they might be affected by the seismic pulses. These observations will be used to estimate the level of harassment takes and to assess the possibility that seismic operations affect the accessibility of bowhead whales for subsistence hunting. Pinnipeds will be recorded when seen. Aerial surveys will be at an altitude of 300 m (1,000 ft) above sea level. Western Geophysical proposes to avoid overflights of the Cross Island area where whalers from Nuiqsut are based during their fall whale hunt.

Consistent with 1996 and 1997 aerial surveys in the U.S. Beaufort Sea, the daily aerial surveys are proposed to cover two grids: (1) A grid of 12 north-south lines spaced 8 km (5 mi) apart and extending from about 20 km (12.5 mi) west of the western side of the then-current seismic exploration area to 50 km (30 mi) east of its eastern edge, and from the barrier islands north to approximately the 100 m (328 ft) depth contour; and (2) a grid of 4 survey lines within the above region, also spaced 8 km (5 mi) apart and mid-way between the longer lines, to provide more intensive coverage of the area of the seismic operations and immediate surrounding waters.

When the seismic program is relocated east or west along the coast during the 1998 season, both survey grids will be relocated a corresponding distance along the coast. Information on the survey program can be found in Western Geophysical (1998) and in LGL Ltd. and Greeneridge Sciences Inc. (1998), which are incorporated in this document by reference.

Acoustical Measurements

The acoustic measurement program proposed for 1998 is designed to be continue work conducted in 1996 and 1997 (see BPXA, 1996a, 1997, and 1998; LGL Ltd. and Greeneridge Sciences Inc., 1996, 1997, and 1998). The acoustic measurement program is planned to include (1) boat-based acoustic measurements, (2) OBC-based acoustic measurements, (3) use of air-dropped sonobuoys and (4) bottom-mounted acoustical recorders.

The boat-based acoustical measurement program is proposed for a 7-day period in August 1998. The objectives of this survey will be as follows: (1) To measure the levels and other characteristics of the horizontally propagating seismic survey sounds from the type(s) of airgun array(s) to be used in 1998 as a function of distance and aspect relative to the seismic source vessel(s) and to water depth.

(2) To measure the levels and frequency composition of the vessel sounds emitted by vessels used regularly during the 1998 program.

(3) To obtain additional site-specific ambient noise data, which determine signal-to-noise ratios for seismic and other acoustic signals at various ranges from their sources.

Western Geophysical and its proposed consultant (Greeneridge Sciences) are investigating the use of the OBC-system to help document horizontal propagation of the seismic surveys. In addition, during late August and September, autonomous seafloor acoustic recorders will be placed on the sea bottom at 3 locations to record low-frequency sounds nearly continuously for up to 3 weeks at a time. Information includes characteristics of the seismic pulses, ambient noise, and bowhead calls. Additional data on these noise sources will be obtained from sonobuoys dropped from aircraft after September 1.

For a more detailed description of planned monitoring activities, please refer to the application and supporting document (Western Geophysical, 1998; LGL Ltd. and Greeneridge Sciences Inc., 1998).

Estimates of Marine Mammal Take

Estimates of takes by harassment will be made through vessel and aerial surveys. Preliminarily, Western Geophysical will estimate the number of (1) marine mammals observed within the area ensonified strongly by the seismic vessel; (b) marine mammals observed showing apparent reactions to seismic pulses (e.g., heading away from the seismic vessel in an atypical direction); (c) marine mammals subject to take by type (a) or (b) when no monitoring observations were possible; and (d) bowheads displaced seaward from the main migration corridor.

Reporting

Western Geophysical will provide an initial report on 1998 activities to NMFS within 90 days of the completion of the seismic program. This report will provide dates and locations of seismic operations, details of marine mammal sightings, estimates of the amount and nature of all takes by harassment, and any apparent effects on accessibility of marine mammals to subsistence users.

A final technical report will be provided by Western Geophysical within 20 working days of receipt of the document from the contractor, but no later than April 30, 1999. The final technical report will contain a description of the methods, results, and interpretation of all monitoring tasks.

Consultation

Under section 7 of the Endangered Species Act (ESA), NMFS completed an informal consultation on the issuance of an incidental harassment authorization for similar activities on June 26, 1997. A copy of that document is available upon request (see **ADDRESSES**). If an authorization to incidentally harass listed marine mammals is issued under the MMPA, NMFS will issue an Incidental Take Statement under section 7 of the ESA.

National Environmental Policy Act (NEPA)

In conjunction with the 1996 notice of proposed authorization (61 FR 26501, May 28, 1996) for open water seismic operations in the Beaufort Sea, NMFS released an EA that addressed the impacts on the human environment from issuance of the authorization and the alternatives to the proposed action. No comments were received on that document and, on July 18, 1996, NMFS concluded that neither implementation of the proposed authorization for the harassment of small numbers of several species of marine mammals incidental to conducting seismic surveys during the open water season in the U.S. Beaufort Sea nor the alternatives to that action would significantly affect the quality of the human environment. As a result, the preparation of an environmental impact statement on this action is not required by section 102(2) of NEPA or its implementing regulations. A copy of the EA is available upon request (see **ADDRESSES**).

This year's activity is a continuation of the seismic work conducted in 1996 and 1997. For Western Geophysical's 1998 application, NMFS has conducted a review of the impacts expected from the issuance of an Incidental Harassment Authorization in comparison to those impacts evaluated in 1996. As assessed in detail in this document, NMFS has preliminarily determined that there will be no more than a negligible impact on marine mammals from the issuance of the harassment authorization and that there will not be any unmitigable impacts to subsistence communities, provided the mitigation measures required under the authorization are implemented. Because the activity is substantially the same as the one conducted in 1996 and no new impacts on the environment have been identified, a new EA is not warranted and, therefore, the preparation of an Environmental Impact Statement on this action is not required by section 102(2) of NEPA or its implementing regulations.

Conclusions

NMFS has preliminarily determined that the short-term impact of conducting seismic surveys in the U.S. Beaufort Sea will result, at worst, in a temporary modification in behavior by certain species of cetaceans and possibly pinnipeds. While behavioral modifications may be made by these species to avoid the resultant noise, this behavioral change is expected to have a negligible impact on the animals.

As the number of potential incidental harassment takes will depend on the distribution and abundance of marine mammals (which vary annually due to variable ice conditions and other factors) in the area of seismic operations, due to the distribution and abundance of marine mammals during the projected period of activity and the location of the proposed seismic activity in waters generally too shallow and distant from the edge of the pack ice for most marine mammals of concern, the number of potential harassment takings is estimated to be small. In addition, no take by injury and/or death is anticipated, and the potential for temporary or permanent hearing impairment will be avoided through the incorporation of the mitigation

measures mentioned in this document. No rookeries, mating grounds, areas of concentrated feeding, or other areas of special significance for marine mammals occur within or near the planned area of operations during the season of operations.

Because bowhead whales are east of the seismic area in the Canadian Beaufort Sea until late August/early September, seismic activities are not expected to impact subsistence hunting of bowhead whales prior to that date. After August 31, 1998, aerial survey flights for bowhead whale assessments will be initiated. Appropriate mitigation measures to avoid an unmitigable adverse impact on the availability of bowhead whales for subsistence needs will be the subject of consultation between Western Geophysical and subsistence users.

Also, while open-water seismic exploration in the U.S. Beaufort Sea has some potential to influence seal hunting activities by residents of Nuiqsut, because (1) the peak sealing season is during the winter months, (2) the main summer sealing is off the Colville Delta, and (3) the zone of influence by seismic sources on belukha and seals is fairly small, NMFS believes that Western Geophysical's seismic survey will not have an unmitigable adverse impact on the availability of these stocks for subsistence uses.

Proposed Authorization

NMFS proposes to issue an incidental harassment authorization for the 1998 Beaufort Sea open water season for a seismic survey provided the above mentioned mitigation, monitoring, and reporting requirements are incorporated. NMFS has preliminarily determined that the proposed seismic activity would result in the harassment of only small numbers of bowhead whales, gray whales, and possibly belukha whales, bearded seals, and largha seals; would have a negligible impact on these marine mammal stocks; and would not have an unmitigable adverse impact on the availability of marine mammal stocks for subsistence uses.

Information Solicited

NMFS requests interested persons to submit comments, and information, concerning this request (see **ADDRESSES**).

Dated: May 14, 1998.

Patricia A. Montanio,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 98–13425 Filed 5–19–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 051398E]

Mid-Atlantic Fishery Management Council; Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) and its Comprehensive Management Committee; Committee Chairmen; Information and Education Committee; Habitat Committee; Executive Committee; and Squid, Mackerel, and Butterfish Committee will hold a public meeting.

DATES: The meetings will be held on Tuesday, June 2, 1998, to Thursday, June 4, 1998. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: This meeting will be held at the Sheraton Grand Hotel, Bicentennial Park, New Bern, NC; telephone: 919–638–3585.

Council address: Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904; telephone: 302–674–2331.

FOR FURTHER INFORMATION CONTACT: Christopher Moore, Ph.D., Acting Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302–674–2331, ext. 16.

SUPPLEMENTARY INFORMATION: On Tuesday, June 2, the Comprehensive Management Committee will meet from 8:00–10:00 a.m. The Committee Chairmen will meet from 10:00–11:00 a.m. The Information and Education Committee will meet from 11:00 a.m. until noon. The Habitat Committee, together with the Dogfish Committee, Surfclam and Ocean Quahog Committee, Squid, Mackerel and Butterfish Committee, Habitat Advisors, and Scientific and Statistical Committee, will meet from 1:00–5:00 p.m. On Wednesday, June 3, the Executive Committee will meet from 7:00–9:00 a.m. Council will meet from 9:00–11:00 a.m. The Atlantic Mackerel, Squid, and Butterfish Committee will meet as a Council Committee of the Whole from 11:00 until noon. Council will meet from 1:00–2:00 p.m. to review the Whiting Fishery Management Plan. Council will meet from 2:00–5:00 p.m., together with the Atlantic States Marine Fisheries Commission (ASMFC) Board, to review Amendment 1 to the Bluefish Fishery Management Plan. On Thursday, June 4, Council will meet from 8:00 a.m. until 5:00 p.m.

Agenda items for this meeting are: Distribution and abundance and EFH identification and recommendations on dogfish, surfclams, ocean quahogs, and squid, mackerel, butterfish; Review and adoption of NMFS recommendations on bluefish EFH; Review and hearing adoption of NMFS consistency amendment for consistency in Northeast vessel permits (replacement and upgrade); Adoption of mackerel limited entry provisions for pubic hearing document; Review and comment on whiting, winter flounder, herring and scallop management measures; Review and adoption of Amendment 1 to the Bluefish FMP for public hearing; Review and adoption of Dogfish FMP for public hearing; Review and adoption of Monkfish FMP; Review comprehensive management matrix; Review Council newsletter, view Council websight; hear committee reports and other fishery management matters.

Although other issues not contained in this agenda may come before these groups for discussion, in accordance with the Magnuson- Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in the agenda listed in this notice.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Council (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: May 14, 1998.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 98–13370 Filed 5–19–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[051398D]

New England Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce

ACTION: Notice of public meetings.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a number of public meetings of its oversight committees and advisory panels in June, 1998 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from these groups will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meetings will be held between June 4 and June 17, 1998. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: Meetings will be held in Gloucester, MA, Warwick, RI, and Portland, ME. See **SUPPLEMENTARY INFORMATION** for specific locations.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director; (781) 231–0422.

SUPPLEMENTARY INFORMATION:

Meeting Dates and Agendas

Thursday, June 4, 1998, 9:30 a.m.—Joint Habitat Committee and Advisory Panel Meeting

Location: NMFS Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01960; telephone: (978) 281–9300.

Development of essential fish habitat (EFH) designations for Council-managed species and review of the EFH draft public hearing document.

Thursday, June 11, 1998, 10:30 a.m.—Whiting Committee Meeting

Location: Marine Trade Center, Two Portland Fish Pier, Third Floor, Suite 109, Portland, ME 04101; telephone: (207) 775–5450.

Review of the Draft Supplemental Environmental Impact Statement and draft public hearing document associated with (whiting) Amendment 10 to the Northeast Multispecies Fishery Management Plan (FMP).

Wednesday, June 17, 1998, 10 a.m.—Scallop Advisory Panel Meeting

Location: Radisson Hotel, 2081 Post Road, Warwick, RI 02886; telephone: (401) 739–3000.

Review and comment on the management measures proposed for Amendment 7 to the Sea Scallop FMP. The amendment is intended to rebuild the scallop resource by substantially reducing fishing effort.

Although other issues not contained in this agenda may come before these groups for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: May 14, 1998.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 98–13369 Filed 5–19–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Associated Form, and OMB Number: Individual MCJROTC. Instructor Evaluation Summary; NAVMC 10942; OMB Number 0703–0016.

Type of Request: Extension.

Number of Respondents: 348.

Responses Per Respondent: 1.

Annual Responses: 348.

Average Burden Per Response: 30 minutes.

Annual Burden Hours: 174.

Needs and Uses: This form provides a written record of the overall performance of duty of Marine instructors who are responsible for implementing the Marine Corps Junior Reserve Officers' Training Corps (MCJROTC). The Individual MCJROTC Instructor Evaluation Summary is completed by principals to evaluate the effectiveness of individual Marine instructors. The form is further used as a performance related counseling tool and as a record of service performance to document performance and growth of individual Marine instructors. Evaluating the performance of instructors is essential in ensuring that they provide quality training.

Affected Public: Individuals or households.

Frequency: Biennially.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: May 13, 1998.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–13379 Filed 5–19–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Associated Form, and OMB Number: Academic Certification for Marine Corps Officer Candidate Program; NAVMC 10469; OMB Number 0703–0011.

Type of Request: Extension.

Number of Respondents: 3,500.

Responses Per Respondent: 1.

Annual Responses: 3,500.

Average Burden Per Response: 15 minutes.

Annual Burden Hours: 875.

Needs and Uses: Used by Marine Corps officer procurement personnel, this form provides a standardized method for determining the academic eligibility of applicants for all Reserve officer candidate programs. Use of this form is the only accurate and specific method to determine a Reserve officer applicant's academic qualifications. Each applicant interested in enrolling in an undergraduate or graduate Reserve officer commission program completes and return the form.

Affected Public: Individuals or households.

Frequency: On occasion..

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: May 13, 1998.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–13380 Filed 5–19–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Meeting of DOD Advisory Group on Electron Devices

AGENCY: Department of Defense, Advisory Group on Electron Devices.

ACTION: Notice.

SUMMARY: The DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Tuesday, June 16, 1998.

ADDRESSES: The meeting will be held at Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Mr. Eliot Cohen, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Defense Advanced Research Projects Agency and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The AGED meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. § 10(d) (1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1994), and that accordingly, this meeting will be closed to the public.

Dated: May 14, 1998.

L.M. Bynum,

Alternate, OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–13373 Filed 5–19–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Meeting of the DOD Advisory Group on Electron Devices

AGENCY: Department of Defense, Advisory Group on Electron Devices.

ACTION: Notice.

SUMMARY: Working Group C (Electro-Optics) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0830, Wednesday and 0800, Thursday, June 3 and 4, 1998.

ADDRESSES: The meeting will be held at Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Elise Rabin, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Defense Advanced Research Projects Agency and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This opto-electronic device area includes such programs as imaging device, infrared detector and lasers. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. § 10(d) (1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c)(1)(1994), and that accordingly, this meeting will be closed to the public.

Dated: May 14, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–13374 Filed 5–19–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Meeting of the DOD Advisory Group on Electron Devices

AGENCY: Department of Defense, Advisory Group on Electron Devices.

ACTION: Notice.

SUMMARY: Working Group B (Microelectronics) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Thursday, June 11, 1998.

ADDRESSES: The meeting will be held at Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Timothy Doyle, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director Defense Research and Engineering (DDR&E), and through the DDR&E, to the Director Defense Advanced Research Projects Agency and the Military Departments in planning and managing an effective research and development program in the field of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military proposes to initiate with industry, universities or in their laboratories. The microelectronics area includes such programs on semiconductor materials, integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended (5 U.S.C. App. § 10(d) (1994)) it has been determined that this Advisory Group meeting concerns matters listed in 5

U.S.C. § 552b(c)(1) (1994), and that accordingly, this meeting will be closed to the public.

Dated: May 14, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–13375 Filed 5–19–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Meeting of the DOD Advisory Group on Electron Devices

AGENCY: Department of Defense, Advisory Group on Electron Devices.

ACTION: Notice.

SUMMARY: Working Group A (Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Wednesday, July 15, 1998.

ADDRESSES: The meeting will be held at Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: David Cox, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Defense Advanced Research Projects Agency (ARPA) and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave devices, electronic warfare devices, millimeter wave devices, and passive devices. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. 10(d) (1994), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1994), and that accordingly, this meeting will be closed to the public.

Dated: May 14, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–13376 Filed 5–19–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Acceptance of Group Application Under P.L. 95–202 and Department of Defense Directive (DoDD) 1000.20 ''Members of the Alaska Territorial Guard, Who Served in Alaska Between December 31, 1941, and August 15, 1945 , Under the Authority of Public Law 392, Section 7''

Under the provisions of Section 401, Public Law 95–202 and DoD Directive 1000.20, the Department of Defense Civilian/Military Service Review Board has accepted an application on behalf of the group know as: ''Members of the Alaska Territorial Guard, who served in Alaska between December 31, 1941, and August 15, 1945, under the authority of Public Law 392, Section 7.'' Persons with information or documentation pertinent to the determination of whether the service of this group should be considered active military service to the Armed Forces of the United States are encouraged to submit such information or documentation within 60 days to the DoD Civilian/Military Service Review Board, 1535 Command Drive, EE-Wing, 3rd Floor, Andrews Air Force Base, MD 20762–7002. Copies of documents or other materials submitted cannot be returned.

Barbara A. Carmichael,

Alternate Air Force Federal Register Liaison Officer.

[FR Doc. 98–13349 Filed 5–19–98; 8:45 am]

BILLING CODE 3910–01–P

DEPARTMENT OF ENERGY

Office of Environmental Management

Environmental Management Site-Specific Advisory Board Renewal

Pursuant to Section 14(a)(2)(A) of the Federal Advisory Committee Act (Pub. L. 92–463), and in accordance with title 41 of the Code of Federal Regulations, section 101–6.1015(a), and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Environmental Management Site-Specific Advisory Board has been renewed for a two-year period beginning May 16, 1998.

The purpose of the Board is to provide the Assistant Secretary for Environmental Management with advice and recommendations on environmental management projects and issues such as risk management, economic development, future land use, and budget prioritization activities, from the perspectives of affected groups and State and local governments. Board membership will reflect the full diversity of views in the affected community and region and be composed primarily of people who are directly affected by site clean-up activities. Members will include interested stakeholders from local governments, Indian Tribes, environmental and civic groups, labor organizations, universities, waste management and environmental restoration firms, and other interested parties. Representatives from the Department of Energy (DOE), the Environmental Protection Agency, and State governments will be ex-officio members of the Board. Selection and appointment of Board members will be accomplished using procedures designed to ensure diverse membership and a balance of viewpoints. Consensus recommendations to the DOE from the Board on the resolution of numerous difficult issues will help achieve DOE's objective of an integrated environmental management program.

The Secretary of Energy has determined that renewal of the Environmental Management Site-Specific Advisory Board is necessary to conduct DOE's business and is in the public interest. The Board will operate in accordance with the provisions of the Federal Advisory Committee Act, the DOE Organization Act (Pub. L. 95–91), and rules and regulations issued in implementation of those Acts.

Further information regarding this advisory board may be obtained from Rachel M. Samuel at (202) 586–3279.

Issued in Washington, D.C. on May 15, 1998.

James N. Solit,

Advisory Committee Management Officer.

[FR Doc. 98–13451 Filed 5–19–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Program Interest—Comprehensive Test Ban Treaty Research and Development Program

AGENCY: Albuquerque Operations Office (AL). The U.S. Department of Energy (DOE).

ACTION: Notice of program interest—to fund unsolicited applications/proposals for financial assistance awards contributing to the mission of the Comprehensive Test Ban Treaty (CTBT) Research and Development Program.

SUMMARY: The DOE is interested in receiving for consideration applications for Federal Financial Assistance Awards pursuant to the financial assistance rules contained in Title 10 Code of Federal Regulations Part 600 (10 CFR 600), specifically 10 CFR 600.9). On behalf of the DOE CTBT R&D Program, DOE/AL invites Unsolicited Applications/Proposals from interested and qualified Nonprofit Organizations, Institutions of Higher Education, and Commercial Organizations to pursue research that supports the CTBT R&D program mission.

The CTBT R&D Program mission is: ''to carry out research and development necessary to provide U.S. government agencies, that are responsible for monitoring and/or verifying CTBT compliance, with technologies, algorithms, hardware and software for integrated systems to detect, locate, identify and characterize nuclear explosions at the thresholds and confidence levels that meet U.S. requirements in a cost-effective manner.'' Program priorities focus on the advancement of seismic, infrasound, radionuclide, and hydroacoustic knowledge and capabilities. This Notice of Program Interest is intended to encourage the participation of Nonprofit Organizations, Institutions of Higher Education, and Commercial Organizations in furthering these program mission interests.

DATES: This Notice of Program Interest expires *September 30, 1998*. This date does not represent a common deadline for applications but rather that applications may be submitted at any time before the notice expires.

ADDRESSES: Applicants seeking funding consideration by the CTBT R&D Program under this Notice of Program Interest are requested to mark and submit their Unsolicited Applications/Proposals, eight (8) total, as follows:

Original and Copies #1–6: Leslie A. Casey, Treaty Monitoring Program Manager, c/o CTBT R&D Program—Notice of Program Interest—NN–20, U.S. Department of Energy, 1000 Independence, Ave., SW, Washington, DC 20585–0420. DOE/NN–20 will initiate the objective merit review process.

Copy #7: John N. Augustine, Unsolicited Applications/Proposals Manager, c/o CTBT R&D Program—Notice of Program Interest—NN–20, U.S. Department of Energy, Federal Energy Technology Office (FETC), 626 Cochrans Mill Road, PO Box 10940, Pittsburgh, PA 15236–0940. DOE FETC—Pittsburgh will assign a DOE identification number and acknowledge receipt of the proposal.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Albuquerque Operations Office, P.O. Box 5400, Albuquerque, NM 87185–5400, Attn: Mr. Michael G. Loera, Contracts and Procurement Division, Telephone Number: (505) 845–4302, Fax Number: (505) 845–4004.

SUPPLEMENTARY INFORMATION: Responses to this Notice of Program Interest must explain how the proposed work furthers the CTBT R&D Program mission and research issues. These are summarized on the Web Page: ''http://www.ctbt.rnd.doe.gov/coordination/'', under the heading ''R&D Issues and Metrics''. Successful applications will: demonstrate a knowledge of the ongoing CTBT R&D Program; offer novel or innovative approaches leading to performance improvements and cost reductions; respond to ground truth data deficiencies; and, follow the guidance provided in the *''Guide for the Submission of Unsolicited Applications/Proposals''*, which is available on the Web Page: ''http://www.pr.doe.gov/gdtoc.html''. Applicants are, thereby, encouraged to review and acquaint themselves with 10 CFR 600.10, ''Form and contents of applications'', and with work that has already been performed as represented in the bibliography located at the Program's web site.

Unsolicited Applications/Proposals will be evaluated against many factors. Some of the criteria that are likely to apply include: technical merit; applicant's familiarity with other ongoing work; the relevance and quality of the applicant's prior work; effectiveness of the proposed technical approach; timeliness; cost; and the period of performance. Applicants are, therefore, encouraged to include information in their proposals that facilitate evaluation against these criteria and as a minimum should address the requirements listed below. Cost sharing is not required, but highly encouraged. It is anticipated that Cooperative Agreements will be favored over Grants. The resulting Cooperative Agreement or Grant will be administered by the DOE Albuquerque Operations Office, or possibly by other CTBT Program Office designees.

Unsolicited Applications/Proposals are to be comprised of both technical and cost proposal elements. Unsolicited Proposal requirements and format are as follow:

(1) *Project Description:* (Provide a comprehensive, but succinct [350 character] description of the proposed research project. It should convey the project objective, application, method, product and value to U.S. government agencies and other users).

(2) *Objective(s):* (State research objectives).

(3) *Application:* (Describe the product and how it is to be used. Discuss the product's merits over the current baseline and operational risk considerations).

(4) *User(s):* (List potential users and indicate whether they have expressed interest in the product).

(5) *Prior Work:* (Summarize the current state-of-the-art for the stated field of endeavor. Provide credentials of key participants and describe their previous relevant work. Cite applicable bibliographic references).

(6) *Collaborators:* (Identify other participants and describe their role and contribution).

(7) *Proposed Work & Scientific Basis:* (Specify the technical approach to manage the project; describe specific tasks and subtask activities to be conducted by Work Breakdown Structure (WBS) to achieve the research objectives; and identify key decision points [milestones]. Relate these elements to how they further the stated research objectives and advance the state-of-the-art).

(8) *Research Issues:* (Identify the technical issues that will be addressed by the project; list potential barriers and explain how they will be overcome).

(9) *Tasks:* (By WBS element, list the tasks, associated subtasks, and associated costs. Differentiate the cost for fully burdened labor, equipment, materials, other (such as travel, taxes, fee (if applicable), etc.) [Once Unsolicited Applications/Proposals are selected for funding, a complete break-down by cost element will be required.]

(10) *Milestones:* (List milestones and scheduled completion dates by task/subtask).

(11) *Deliverables:* (List deliverables and scheduled completion dates by task/subtask).

Funding Considerations

Financial Assistance Awards are anticipated to be funded for project duration's of 1–3 years and awards will generally range from $100,000 to $500,000. Total program funds for Unsolicited Applications/Proposals in Fiscal Year (FY) 1998 are not likely to exceed $1,000,000. Unsolicited Applications/Proposals received may be considered for funding at any time following receipt. Unsolicited Applications/Proposals not selected in FY 1998 may be reconsidered for funding in the following year.

Submission, Withdrawal, and Unsuccessful Applications

Unsolicited Applications/Proposals will be accepted on an ongoing basis. Unsolicited Applications/Proposals must state an acceptance period of 180 days; however, Unsolicited Applications/Proposals may be withdrawn by the Applicant at any time by written notification to the DOE Contracting Officer identified below. Unsolicited Applications/Proposals not funded and not withheld for reconsideration will be destroyed and the Applicant will be notified accordingly. A Federal Financial Assistance Award (Grant and Cooperative Agreements) application package which includes a sample award can be obtained from the DOE Contracting Officer identified below or can be down-loaded from the DOE AL Web Page: ''http://www.doeal.gov/cpd/'' under the heading ''Solicitations''.

It is DOE policy to exercise extreme care to ensure that the proposal information is not duplicated, used or disclosed in whole or in part for any purpose other than to evaluate the proposal, without written permission of the Applicant. Furthermore, with respect to the Unsolicited Proposal evaluation, the Applicant is hereby informed that it is standard practice of the CTBT R&D program officials to include review by DOE laboratory managers and experts in the topic area of the proposal. If you are an expert and are willing to serve as a reviewer on a non-remunerative basis, the CTBT R&D Program would like to be notified of your interest. Serving as a technical reviewer could encompass these Unsolicited Applications/Proposals, subject to non-disclosure agreements, as well as other proposals related to the CTBT R&D Program. Interested individuals are requested to forward their resume and cover letter expressing their interest to: Manager, Treaty Monitoring Programs (NN–20), U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC, 20585–0420. Finally, proposal evaluation may include coordination with other government agencies or their designated contractors, primarily to check for duplication of effort and end user interest. This is an important integration practice appropriate to a full-scope, ongoing and mature program such as the CTBT R&D program.

Issued in Washington, D.C. on May 13, 1998.

Leslie A. Casey,

Treaty Monitoring Program Manager, NN–20.

[FR Doc. 98–13412 Filed 5–19–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Advisory Board

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following Advisory Committee meeting:

NAME: Environmental Management Advisory Board.

DATE AND TIMES: Wednesday, June 10, 1998; 8:30 a.m.–3 p.m.

PLACE: U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue, SW.; Room 1E–245, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: James T. Melillo, Special Assistant to the Assistant Secretary for Environmental Management; Environmental Management Advisory Board (EMAB), EM–22, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–4400. The Internet address is: James.Melillo@em.doe.gov

SUPPLEMENTARY INFORMATION:

Purpose of the Board

The purpose of the Board is to provide the Assistant Secretary for Environmental Management (EM) with advice and recommendations on issues confronting the Environmental Management program from the perspectives of affected groups and state, local, and tribal governments. The Board will help to improve the Environmental Management Program by assisting in the process of securing consensus recommendations, and providing the Department's numerous publics with opportunities to express their opinions regarding the Environmental Management Program.

Tentative Agenda

Wednesday, June 10, 1998

8:30 a.m. Co-Chairmen Open Public Meeting
8:45 a.m. EM–1 Opening Remarks
9:15 a.m. Technology Development & Transfer Committee Report
9:45 a.m. Science Committee Report
10:30 a.m. Break
10:45 a.m. Privatization Committee Report
11:00 a.m. Long Term Stewardship Committee Report
11:15 a.m. 2006 Strategic Planning Committee Reports
12:00 p.m. Working Lunch
12:30 p.m. 2006 Strategic Plan Status
1:00 p.m. Board Discussion
1:45 p.m. Public Comment Period
2:00 p.m. Board Business
2:30 p.m. Public Comment Period
3:00 p.m. Meeting Adjourns

A final agenda will be available at the meeting.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should either contact James T. Melillo at the address or telephone number listed above, or call 1–(800) 736–3282, the Center for Environ mental Management Information and register to speak during the public comment session of the meeting. Individuals may also register on June 10, 1998 at the meeting site. Every effort will be made to hear all those wishing to speak to the Board, on a first come, first serve basis. Those who call in and reserve time will be given the opportunity to speak first. The Board Co-Chairs are empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts and Minutes: A meeting transcript and minutes will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585 between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on May 14, 1998.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 98–14311 Filed 5–19–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–406–000]

CNG Transmission Corporation; Informal Settlement Conference

May 14, 1998.

Take notice that an informal settlement conference will be convened in this proceeding on Wednesday, May 20, 1998, at 10:00 a.m., at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, for the purpose of exploring the possible settlement of the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervener status pursuant to the Commission's regulations (18 CFR 835.214).

For additional information, please contact William J. Collins at (202) 208–0248.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–13360 Filed 5–19–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–2912–000]

Duke Power Company; Notice of Filing

May 14, 1998.

Take notice that on April 29, 1998, Duke Power Company tendered the true-up filing for calendar year 1997 under Article II.3 of the Settlement Agreement approved by Commission's Letter Order issued October 9, 1991 in Docket No. ER90–315–000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions and protests should be filed on or before May 22, 1998. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–13351 Filed 5–19–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–217–000]

Gas Research Institute; Refund Report

May 14, 1998.

Take notice that on May 8, 1998, the Gas Research Institute (GRI) tendered for filing a report listing its 1997 refunds made to its pipeline members.

GRI states that the refunds, totaling $18,621,249 to twenty-eight pipelines, were made in accordance with the Commission's September 27, 1996 Opinion No. 407 (76 FERC ¶ 61,337).

GRI states that it has served copies of the filing to each person included on the Secretary's service list in Docket No. RP96–267–000.

Any person desiring to be heard or to protest this filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before May 22, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–13358 Filed 5–19–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97–781–001]

National Fuel Gas Supply Corporation; Notice of Amendment

May 14, 1998.

Take notice that on May 11, 1998, National Fuel Gas Supply Corporation (National Fuel) 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP97–781–001 an amendment to the pending abandonment application filed on September 29, 1997, in Docket CP97–781–000 for permission and approval to abandon its Deerlick Storage Field (Deerlick) and adjacent facilities located in Warren County, Pennsylvania, all as more fully set forth in the application on file with the Commission and open to public inspection.

National Fuel states that the September 29 Application indicates that there are seven independent producers located on the gathering lines feeding the Deerlick gathering system at eight interconnections. National Fuel claims that it has ascertained that the seven producers deliver gas to National Fuel at thirteen such interconnections and of these thirteen interconnections, ten were installed under National Fuel's blanket certificate in Docket No. CP83–4. National Fuel's amendment includes a revised accounting treatment reflecting the abandonment of the additional interconnections. National Fuel requests that the Commission's abandonment authorization encompasses all ten of these reported interconnections.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 4, 1998, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's

Rules. All persons who have heretofore filed need not file again.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–13356 Filed 5–19–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–525–000]

Northern Natural Gas Company; Request Under Blanket Authorization

May 14, 1998.

Take notice that on May 6, 1998, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124–1000, filed in Docket No. CP98–525–000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to install and operate two (2) new master meters in Green and Trempealeau Counties, Wisconsin to provide central points of measurement to Wisconsin Gas Company (WGC), under Northern's blanket certificate issued in Docket No. CP82–401–000 [1] pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Northern states that WGC has requested the installation of the Monroe and the Black River Falls Master Meters to provide central points of measurement for deliveries to WGC under Northern's currently effective throughput service agreements. Northern also states that the proposed master meters will not impact the volumes currently delivered to WGC through the specified branch lines. Northern estimates a cost of $465,000 to install the new master meters.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–13355 Filed 5–19–98; 8:45 am]

BILLING CODE 6717–01–M

[1] *See*, 20 FERC ¶ 62,410 (1982).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM98–2–59–001]

Northern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

May 14, 1995.

Take notice that on May 8, 1998, Northern Natural Gas Company (Northern), tendered for filing to become part of Northern's FERC Gas Tariff, the following tariff sheets proposed to become effective on June 1,1998:

Fifth Revised Volume No. 1

Substitute Eighth Revised Sheet No. 54
Substitute Seventh Revised Sheet No. 61
Substitute Seventh Revised Sheet No. 62
Substitute Seventh Revised Sheet No. 63
Substitute Seventh Revised Sheet No. 64

Northern states that the reason for this filing is to resubmit Sheets Nos. 54, 61, 62, 63 and 64 to correct the Mainline fuel True-up Adjustment as derived on a Revised Exhibit No. 2 and to correct the UAF percentage because of administrative oversights.

Northern states that copies of the filing were served upon Northern's customers and interested State Commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–13357 Filed 5–19–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR98–13–000]

Tosco Corporation, Complainant v. SFPP, L.P., Respondent; Compliant

May 14, 1998.

Take notice that on April 24, 1998, pursuant to sections 9, 13(1), and 15(1) of the Interstate Commerce Act of 1887 (Act) (49 U.S.C. App. §§ 9, 13(1), 15(1)), Rule 206 of the Commission's Rules of Practice and Procedure (18 CFR § 385.206), and the Procedural Rules Applicable to Oil Pipeline Proceedings (18 CFR § 343.1(a)), Tosco Corporation, including its subsidiaries and affiliates (Tosco), tendered for filing its complaint against the interstate rates and charges of SFPP, L.P. (SFPP).

Tosco alleges that SFPP's system-wide rate structure is excessive, discriminatory and unlawful. Tosco argues that SFPP has violated and continues to violate sections 1(5), 2, 3(1), 4, 6, and 8 of the Act by (a) establishing and charging unjust and unreasonable rates, (b) charging unduly discriminatory and preferential rates and charges, and (c) assessing untariffed rates and charges for jurisdictional service.

Tosco requests that the Commission: (1) Examine the rates and charges collected by SFPP for its jurisdictional interstate service; (2) order refunds to Tosco to the extent the Commission finds that such rates or charges were unlawful; (3) determine just, reasonable, and nondiscriminatory rates for SFPP's jurisdictional interstate service; (4) award Tosco reasonable attorneys' fees and costs; and (5) order such other relief as may be appropriate.

Tosco states that it has served the Compliant on SFPP.

Any person desiring to be heard or to protest said complaint should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214, 385.211. All such motions or protests should be filed on or before May 26, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make Protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. Answers

to this complaint shall be due on or before May 26, 1998.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–13354 Filed 5–19–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1823–000]

XERXE Group, Inc.; Notice of Filing

May 14, 1998.

Take notice that on April 24, 1998, XERXE Group, Inc., tendered for filing in compliance with the Commission's order issued March 19, 1998, notification of change in corporate status in the above-referenced.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions and protests should be filed on or before May 22, 1998. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–13350 Filed 5–19–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 5637–003]

Pancheri Inc.; Availability of Environmental Assessment

May 14, 1998.

An environmental assessment (EA) is available for public review. The EA is for an application to amend the Pancheri Hydroelectric Project. The application is to rehabilitate the existing project by upgrading the existing pipe water conveyance system and building a new powerhouse. The EA finds that approval of the application would not constitute a major federal action significantly affecting the quality of the human environment. The Pancheri Hydroelectric Project is located on the Sawmill Creek in Butte County, Idaho.

The EA was written by staff in the Office of Hydropower Licensing, Federal Energy Regulatory Commission. Copies of the EA can be viewed at the Commission's Public Reference Room, Room 2A, 888 First Street, N.E., Washington, D.C. 20426. Copies can also be obtained by calling the project manager listed below. For further information, please contact the project manager, Jean A. Potvin, at (202) 219–0022.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–13361 Filed 5–19–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Surrender of Exemption and Dam Removal

May 14, 1998.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. Type of Application: Surrender of Exemption and Dam Removal.

b. Project No: 4727–013.

c. Licensee: John C. Jones.

d. Name of Project: Grist Mill Project.

e. Location: Souadabscook Stream, Town of Hampden, Penobscot County, ME.

f. Pursuant to: Energy Security Act of 1980, 94 Stat. 611; Federal Power Act, 16 U.S.C. §§ 792–828.

g. Licensee Contact: John C. Jones, P.O. Box 147, Winterport, ME 04496, 207–223–4363.

h. FERC Contact: Dean C. Wight, (202) 219–2675.

i. Comment Date: June 22, 1998.

J. Description of Proposed Action: The exemptee proposes to surrender the exemption from licensing because he has determined that further operation and repair of the project is not economically feasible.

The exemptee further proposes to remove the project dam in lieu of installation of a fish passage facility and in lieu of reducing the height of the dam, as required by the Commission's May 22, 1997 Order Approving Stipulation and Consent Agreement.

k. This notice also consists of the following standard paragraphs: B, C1, and D2.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'' OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–13353 Filed 5–19–98; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–00241; FRL–5790–6]

National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A meeting of the National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances (NAC/AEGL Committee) will be held on June 8–10, 1998, in Washington, DC. At this meeting, the NAC/AEGL Committee will address the various aspects of the acute toxicity and the development of Acute Exposure Guideline Levels (AEGLs) for the following chemicals: acrolein, carbon tetrachloride, chloroform, crotonaldehyde, hydrogen sulfide, nickel carbonyl, nitrogen oxides, peracetic acid, propylene imine, and propylene oxide.

DATES: A meeting of the NAC/AEGL Committee will be held from 10 a.m. to 5 p.m. on Monday, June 8, 1998; from 8:30 a.m. to 5 p.m. on Tuesday, June 9, 1998; and from 8:30 a.m. to 1 p.m. on Wednesday, June 10, 1998.

ADDRESSES: The meeting will be held at the National Endowment for the Arts, 1100 Pennsylvania Ave., NW., Rm. M09, Washington, DC 20506 (located in the Old Post Office Building, across the street from the Federal Triangle Metro stop).

FOR FURTHER INFORMATION CONTACT: Paul S. Tobin, Designated Federal Officer (DFO), Office of Prevention, Pesticides, and Toxic Substances (7406), 401 M St., SW., Washington, DC 20460; (202) 260–1736; e-mail: tobin.paul@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Electronic Availability

Internet

Electronic copies of this notice and various support documents are available from the EPA Home Page at the **Federal Register**—Environmental Documents entry for this document under ''Laws and Regulations'' (http://www.epa.gov/fedrgstr/).

Fax-On-Demand

Using a faxphone call (202) 401–0527 and select item 4800 for an index of items in this category.

II. Meeting Procedures

For further information on the meeting, the meeting agenda, the submission of information, or presentation of information on chemicals to be discussed, contact the DFO.

The meeting of the NAC/AEGL Committee will be open to the public. Oral presentations or statements by interested parties will be limited to 10 minutes. Interested parties should contact the DFO to schedule statements or presentations before the NAC/AEGL Committee. Since seating for outside observers may be limited, those wishing to attend the meeting as observers should also contact the DFO as soon as possible to ensure adequate seating arrangements. Direct all inquiries regarding oral presentations, oral statements, submission of written statements, or chemical-specific information to the DFO.

Another meeting of the NAC/AEGL Committee is expected to be held September 1998, but the exact date and meeting location are not yet determined. It is anticipated that the chemicals to be addressed at this meeting will include, but are not limited to, the following: cylohexylamine, ethylene diamine, glycol ether acetate, HFC–134a, HCFC–141b, methyl isocyanate, piperidine sulfur dioxide, sulfur trioxide, and sulfuric acid. Direct inquiries regarding the submission of data, written statements, or chemical-specific information on the chemicals listed for the September 1998 meeting to the DFO as soon as possible to allow for consideration of this information in the preparation of the NAC/AEGL Committee materials.

List of Subjects

Environmental protection, Hazardous substances, Health.

Dated: May 14, 1998.

William H. Sanders, III,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 98–13445 Filed 5–19–98; 8:45am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[PF–793; FRL–5773–2]

Notice of Filing of Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of the pesticide chemical pymetrozine, in or on various food commodities.

DATES: Comments, identified by the docket control number PF–793, must be received on or before June 19, 1998.

ADDRESSES: By mail submit written comments to: Public Information and Records Integrity Branch, Information Resources and Services Division (7506C), Office of Pesticides Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by following the instructions under ''SUPPLEMENTARY INFORMATION.'' No confidential business information should be submitted through e-mail.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). CBI should not be submitted through e-mail. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager listed in the table below:

Product Manager	Office location/telephone number	Address
Leonard Cole	Rm. 211, CM #2, 703–305–5412, e-mail:cole.leonard@epamail.epa.gov.	1921 Jefferson Davis Hwy, Arlington, VA

SUPPLEMENTARY INFORMATION: EPA has received pesticide petitions as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemicals in or on various food commodities under section 408 of the Federal Food, Drug, and Comestic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that these petitions

contain data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

The official record for this notice of filing, as well as the public version, has been established for this notice of filing under docket control number [PF–793] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official record is located at the address in ''ADDRESSES'' at the beginning of this document.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comment and data will also be accepted on disks in Wordperfect 5.1/6.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number (insert docket number) and appropriate petition number. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

List of Subjects

Environmental protection, Agricultural commodities, Food additives, Feed additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 6, 1998.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Summaries of Petitions

Petitioner summaries of the pesticide petitions are printed below as required by section 408(d)(3) of the FFDCA. The summaries of the petitions were prepared by the petitioners and represent the views of the petitioners. EPA is publishing the petition summaries verbatim without editing them in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

Norvartis Crop Protection, Inc.

PP 8F4929

EPA has received a pesticide petition (PP 8F4929) from Norvartis Crop Protection, Inc., P.O. Box 18300, Greensboro, NC 27419–8300 proposing pursuant to section 408(d) of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 346a(d), to amend 40 CFR Part 180 by establishing a tolerance for residues of Pymetrozine in or on the raw agricultural commodity cucumbers, fruiting vegetables, potatoes, hops at 0.02, 0.05 parts per million. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism*. The metabolism of CGA–215944 in plants is understood for the purposes of the proposed tolerance. Studies in rice, tomatoes, cotton and potatoes gave similar results. Identified metabolic pathways have demonstrated that pymetrozine is the residue of concern for tolerance setting purposes.

2. *Analytical method*— i. *Crops*. Novartis has submitted two analytical methods for the determination of pymetrozine and its major crop metabolite, in crop substrates. For both methods, the limit of detection (LOD) is 1.0 ng and the limit of quantitation (LOQ) is 0.02 ppm. Samples are extracted using acetonitrile: 0.05M sodium borate and an aliquot is taken for each method. The aliquots were cleaned up with solid-phase and/or liquid-liquid partitions and analyzed by HPLC with column-switching and UV detection. Both methods have undergone independent laboratory validation. The pymetrozine Analytical Method is proposed as the tolerance enforcement method.

ii. *Livestock*. Novartis has also submitted analytical methods for the determination of pymetrozine in eggs, milk and poultry, dairy and goat tissues, and for its major livestock metabolite in dairy and goat tissues and milk. This method also accounts for a phosphate conjugate, which is a significant metabolite found only in milk. The LOD for the analytical method is 1.0 ng and the LOQ is 0.01 ppm. Samples are extracted using acetonitrile: Water, cleaned up with solid-phase and liquid-liquid partitions, and analyzed for pymetrozine by HPLC with column switching and UV detection. The LOD for the metabolite method is 1.5 ng and the is LOQ of 0.01 ppm. Samples are extracted using methanol: Water. Milk samples are heated to hydrolyze the phosphate conjugate, and all samples are cleaned up with solid-phase partitions and analyzed by HPLC with UV detection. The parent Analytical Method has successfully undergone independent laboratory validation.

3. *Magnitude of residues*—i. *Cucurbits*. Twenty-two field trials were conducted in 13 states representing typical fruiting vegetables growing areas in the United States, including Arizona, California, Florida, Georgia, Indiana, Michigan, New York, North Carolina, Ohio, Oregon, South Carolina, and Texas. Cantaloupes, summer squash, and cucumbers were treated with two post foliar applications of pymetrozine 50WG at 21 and 14 days prior to harvest of mature fruit using a 1X rate of 80 g a.i./A per application (160 g a.i. or 0.35 lb a.i.per a). Samples of summer squash and cucumbers from early harvest harvest intervals (pre-harvest interval (PHI) < 14 days) were collected to demonstrate decline of residues of pymetrozine.

Residue data were generated for pymetrozine for tolerance setting and dietary exposure estimates. Data was generated for a major metabolite for dietary exposure purposes only as this metabolite does not need to be part of the tolerance expression. No pymetrozine residues were found in cantaloupes treated at the 1X rate and harvested at the target PHI of 14 days. Maximum GS–23199 residues of 0.02 ppm were found in only 1 of 16 cantaloupe samples. The maximum pymetrozine residues found in summer squash samples treated at the 1X rate were 0.02 ppm in a sample harvested at 0–day PHI. No pymetrozine residues were found in any 3–day, 7–day, or 14–day sample of squash treated at the 1X rate. No metabolite residues were found in any summer squash sample at any PHI. No pymetrozine or metabolite residues were found in any sample of cucumbers treated at the 1X rate and harvested at 14 days PHI.

No residues of pymetrozine are expected in cucurbits vegetables treated at the 1X rate and harvested 14 days after the last application.

ii. *Fruiting vegetables*. Seventeen field trials were conducted in 12 states representing typical fruiting vegetable growing areas in the United States, including California, Florida, Indiana, Maryland, Michigan, New Jersey, New Mexico, North Carolina, Ohio, Pennsylvania, Tennessee, and Texas. Tomatoes and peppers were treated

with two post foliar applications of pymetrozine 50 WP 21 and 14 days prior to harvest of mature fruit using a 1X rate of 80 g active ingredient/acre (a.i./A), a 2X rate of 160 g a.i./A, a 3X rate of 240 g a.i./A, and a 5X rate of 400 g a.i./A per application. Samples from early harvest intervals (pre-harvest interval < 14 days) were collected to demonstrate decline of residues of pymetrozine. Mature fruit from two tomato field trials were processed under simulated commercial practice.

Residue data were generated for pymetrozine for tolerance setting and dietary exposure estimates. Data was generated for the major metabolite for dietary exposure purposes only as this metabolite does not need to be part of the tolerance expression. Pymetrozine residues were found in 0– and 3–day PHI samples of tomatoes treated at the 1X rate, but in none of the 7–day PHI 1X samples analyzed. No pymetrozine residues were found in tomatoes treated at the 1X rate and harvested at the target PHI of 14 days. No residues of the metabolite were found in samples harvested with 0–, 3–, or 7–day PHI, but metabolite residues of 0.02 ppm were found in 1 of 22 1X tomato samples harvested with a 14–day PHI.

All analyzed tomato samples treated at exaggerated rates were harvested with a 14–day PHI. No pymetrozine residues were found in any 2X tomato sample. The maximum pymetrozine residues found in 3X and 5X samples were 0.04 ppm and 0.10 ppm. The maximum residues found in 2X, 3X, and 5X samples were 0.02 ppm, 0.08 ppm, and 0.10 ppm.

All analyzed processed tomato fractions were from tomatoes harvested with a 14–day PHI. No residues of pymetrozine were found in any processed fraction from tomatoes treated at exaggerated rates. No 1X processed tomato fraction samples were analyzed. The maximum residues of metabolite found in tomato processed fractions were 0.4 ppm in juice from tomatoes treated at the 5X rate.

All pepper samples analyzed were treated at the 1X rate. Pymetrozine residues of 0.04 ppm were found in 1 of 20 pepper samples harvested at a 14–day PHI. Pymetrozine residues were found in all eight 0–day PHI samples, but in none of the four 3–day or 7–day PHI samples analyzed. No metabolite residues were found in any pepper sample at any PHI.

Little or no residues of pymetrozine are expected in fruiting vegetables treated at the 1X rate and harvested 14 days after the last application.

Tuberous and corm vegetables. Sixteen field trials were conducted in 13 States representing typical potato growing areas in the United States, including Idaho, Washington, Oregon, California, Florida, North Dakota, Minnesota, North Carolina, Wisconsin, Colorado, Maine, New York, and Michigan. Potatoes were treated with two foliar applications of pymetrozine 50 WP made 21 and 14 days prior to first harvest using a 1X rate of 40 g a.i./A, a 3X rate of 120 g a.i./A, and a 5X rate of 400 g a.i./A per application. Samples from early harvest intervals (PHI < 14 days) were collected to demonstrate decline of residues of pymetrozine.

Residue data was generated for pymetrozine for tolerance setting and dietary exposure estimates. Data was generated for the major metabolite for dietary exposure purposes only as this metabolite does not need to be part of the tolerance expression. No residues of pymetrozine or GS–23199 were found in potatoes or processed fractions for any application rate at any PHI in this study.

iii. *Tobacco*. Five field trials were conducted in five states representing typical tobacco growing areas in the United States, including North Carolina, South Carolina, Tennessee, Kentucky, and Virginia. Tobacco was treated with two post foliar applications of pymetrozine 50 WP 21 and 14 days prior to harvest of mature leaves. Rates of 20 g a.i./A and 40 g a.i./A per application were used. Samples from early harvest intervals (PHI < 14 days) were collected to demonstrate decline of residues of pymetrozine.

The maximum residues of pymetrozine found in green leaves of tobacco harvested at 14 days after last application were 0.05 ppm. The maximum residues of metabolite found in green leaves harvested at 14 days after last application were 0.04 ppm. The maximum Detectable residues of pymetrozine found in 23 of 24 samples of cured leaves of tobacco harvessted at 14 days after last application was 0.39 ppm. The maximum residues of metabolite found in cured leaves harvested at 14 days after last application were 0.20 ppm.

In decline studies, detectable residues of pymetrozine were found to decrease with increasing PHI in green leaves. Maximum average metabolite GS–23199 residues were found in 3– and 7– day samples with the lowest average residues in 14–day samples.

iv. *Hops*. Data from eight field trials, conducted in Germany, were submitted August 6,1996. The residue data support a tolerance of 5.0 ppm with a 14–day PHI.

v. *Livestock*. A three-level dairy feeding study was conducted using pymetrozine as the test substance. Holstein dairy cows were dosed daily with pymetrozine at levels equivalent to 0 (Control), 1.0 ppm, 3.0 ppm and 10 ppm. These rates represents 8, 24 and 80 times the maximum expected contribution to the diet. This study was designed to provide data concerning the level of residues of pymetrozine, as pymetrozine and CGA–313124, in milk and tissues which could occur as a result of feeding crops treated with pymetrozine to dairy cows. The results are used to estimate the transfer of residues from the diet to the tissues and milk of livestock.

No detectable residues of pymetrozine or CGA–313124 were observed in samples of liver, kidney, perirenal fat, omental fat, round muscle, or tenderloin muscle from cows dosed with 10 ppm (80X) pymetrozine. No detectable residues of pymetrozine were observed in samples of milk from cows dosed with 10 ppm (80X), 3 ppm (24X), or 1 ppm (8X) pymetrozine at any sampling interval. Detectable residues of CGA–313124 occurred only in milk samples from 80X dosed cows at a maximum level of 0.05 ppm. These results indicate that there is no need to establish a meat and milk tolerance.

B. Toxicological Profile

1. *Acute toxicity*. Pymetrozine has low acute toxicity. The oral LD_{50} in rats is > 5,820 milligrams per kilogram (mg/kg) for males and females, combined. The rat dermal LD_{50} is > 2,000 mg/kg and the rat inhalation LC_{50} is > 1.8 mg/L air. Pymetrozine is not a skin sensitizer in guinea pigs and does not produce dermal irritation in rabbits. It produces minimal eye irritation in rabbits. End-use water-dispersible granule formulations of pymetrozine have similar low acute toxicity profiles.

2. *Genotoxicty*. Pymetrozine did not induce point mutations in bacteria (Ames assay in *Salmonella typhimurium* and *Escherichia coli*) or in cultured mammalian cells (Chinese hamster V79) and was not genotoxic in an *in vitro* unscheduled DNA synthesis assay in rat hepatocytes. Chromosome aberrations were not observed in an *in vitro* test using Chinese hamster ovary cells and there were no clastogenic or aneugenic effects on mouse bone marrow cells in an *in vivo* mouse micronucleus test. These studies show that pymetrozine is not genotoxic.

3. *Reproductive and developmental toxicity*. In a teratology study in rats, pymetrozine caused decreased body weights and food consumption in females given 100 and 300 mg/kg/day during gestation. This maternal toxicity was accompanied by fetal skeletal

anomalies and variations consistent with delayed ossification. The no-observed-effect level (NOEL) for maternal and fetal effects in rats was 30 mg/kg/day. A teratology in rabbits showed that pymetrozine caused maternal death and reduced body weight gain and food consumption at 125 mg/kg/day (highest dose tested). Maternal toxicity was accompanied by embryo- and feto-toxicity (abortion in one female and total resorptions in two females). Body weight and food consumption decreases, early resorptions and postimplantation losses were also observed in maternal rabbits given 75 mg/kg/day. There was an increased incidence of fetal skeletal anomalies and variations at these maternally toxic doses. The NOEL for maternal and fetal effects in rabbits was 10 mg/kg/day. Pymetrozine is not teratogenic in rats or rabbits. In a two generation reproduction study in rats, parental body weights and food consumption were decreased, liver and spleen weights were reduced and histopathological changes in liver, spleen and pituitary were observed at 2,000 ppm (highest dose tested). Liver hypertrophy was observed in parental males at 200 ppm (approximately 10–40 mg/kg/day). Reproductive parameters were not affected by treatment with pymetrozine. The NOEL for reproductive toxicity is 2,000 ppm (approximately 110–440 mg/kg/day). Offspring body weights were slightly reduced at 2,000 and 200 ppm and eye opening was slightly delayed in pups at 2,000 ppm. Effects on offspring were secondary to parental toxicity. The NOEL for toxicity to adults and pups is 20 ppm (approximately 1–4 mg/kg/day).

4. *Subchronic toxicity.* Pymetrozine was evaluated in 13–week subchronic toxicity studies in rats, dogs and mice. Liver, kidneys, thymus and spleen were identified as target organs. The NOEL was 500 ppm (33 mg/kg/day) in rats and 100 ppm (3 mg/kg/day) in dogs. In mice, increased liver weights and microscopical changes in the liver were observed at all doses tested. The NOEL in mice was < 1,000 ppm (198 mg/kg/day). No dermal irritation or systemic toxicity occurred in a 28–day repeated dose dermal toxicity study with pymetrozine in rats given 1,000 mg/kg/day. Minimum direct dermal absorption (1.1%) of pymetrozine was detected in rats over a 21 hour period of dermal exposure. Maximum radioactivity left on or in the skin at the application site and considered for potential absorption was 11.9%.

5. *Chronic toxicity*. Based on chronic toxicity studies in the dog and rat, a reference dose (RfD) of 0.0057 mg/kg/day is proposed for pymetrozine. This RfD is based on a NOEL of 0.57 mg/kg/day established in the chronic dog study and an uncertainty factor of 100 to account for interspecies extrapolation and interspecies variability. Minor changes in blood chemistry parameters, including higher plasma cholesterol and phospholipid levels, were observed in the dog at the lowest-observed-effect level (LOEL) of 5.3 mg/kg/day. The NOEL established in the rat chronic toxicity study was 3.7 mg/kg/day, based on reduced body weight gain and food consumption, hematology and blood chemistry changes, liver pathology and biliary cysts.

6. *Animal metabolism*. The metabolism of pymetrozine (CGA–215944) in the rat is well understood. Metabolism involves oxidation of the 5-methylene group of the triazine ring yielding 4,5-dihydro-5-hydroxy-6-methyl-4-[(3-pyridinylmethylene)amino]-1,2,4-triazin-3(2H)-one (CGA–359009). Oxidation of the methyl substituent of the triazine ring led to 4,5-dihydro-6-(hydroxymethyl)-4-[(3-pyridinylmethylene)amino]-1,2,4-triazin-3(2H)-one (CGA–313124) which was further oxidized to the corresponding carboxylic acid, 4,5-dihydro-6-carboxy-4-[(3-pyridinylmethylene)amino]-1,2,4-triazin-3(2H)-one. Hydrolysis of the enamino bridge yielded 4-amino-6-methyl-1,2,4-triazin-3,5(2H,4H)-dione (CGA–294849). This was further degraded to 6-methyl-1,2,4-triazin-3,5(2H,4H)-dione (METABOLITE). Hydrolysis of the enamino bridge of CGA–215944 produced CGA–215525 which undergoes either acylation (CGA–259168) or deamination yielding 4,5-dihydro-6-methyl-1,2,4-triazin-3(2H)-one (CGA–249257). Hydrolysis of the enamino bridge also formed 3-pyridinecarboxaldehyde (CGA–300407), nicotinic acid (CGA–180777), nicotinamide (CGA–180778), 3-pyridinemethanol (CGA–128632) and 1,6-dihydro-1-methyl-6-oxo-3-pyridinecarboxamide. Identified metabolic pathways in animals and plants are similar.

7. *Metabolite toxicology*. The residue of concern for tolerance setting purposes is the parent compound. Metabolites of pymetrozine are considered to be of equal or lesser toxicity than the parent.

8. *Endocrine disruption*. Pymetrozine does not belong to a class of chemicals known or suspected of having adverse effects on the endocrine system. There is no evidence that pymetrozine has any effect on endocrine function in developmental and reproduction studies. Furthermore, histological investigation of endocrine organs in chronic dog, rat and mouse studies did not indicate that the endocrine system is targeted by pymetrozine.

C. Aggregate Exposure

1. *Food*. For purposes of assessing the potential dietary exposure under the proposed tolerances, Novartis has estimated aggregate exposure based on exposure from residues of 0.05 ppm on fruiting vegetables, 0.02 ppm on cucurbits, 0.02 ppm on potatoes and 5 ppm on hops. A 100% market share was assumed.

2. *Drinking water*. Another potential source of exposure of the general population to pymetrozine is via residues in drinking water. Pymetrozine is not expected to contaminate drinking water based on its environmental attributes and the low application rates applied. Pymetrozine breaks down relatively quickly in the environment by a wide variety of mechanisms and degradation pathways. Leaching studies showed that pymetrozine is tightly bound to soil and is unlikely to leach in the field. Field dissipation studies show little movement beyond the uppermost soil horizon.

3. *Non-dietary exposure*. There are no other uses currently registered for pymetrozine. The proposed uses involve application of pymetrozine to crops grown in an agricultural environment. There are no proposed uses which would be expected to result in residential exposure of pymetrozine. Therefore, there is no potential for non-occupational exposure to the general population. is not expected to be significant.

D. Cumulative Effects

The potential for cumulative effects of pymetrozine and other substances that have a common mechanism of toxicity has also been considered. Pymetrozine belongs to a new chemical class known as pyridine azomethines. It exhibits a unique mode of action which can be characterized as nervous system inhibition of feeding behavior. It does not have a general toxic or paralyzing effect on insects, but selectively interferes with normal feeding activities by affecting nervous system regulation of fluid intake. There is no reliable information to indicate that toxic effects produced by pymetrozine would be cumulative with those of any other chemical including another pesticide. Therefore, Novartis believes it is appropriate to consider only the potential risks of pymetrozine in an aggregate risk assessment.

E. Safety Determination

1. *U.S. population*. Using the conservative exposure assumptions and the proposed RfD described above, the aggregate exposure to pymetrozine will utilize 3.78% of the RfD for the U.S. population. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate exposure over a lifetime will not pose appreciable risks to human health. Therefore, Novartis concludes that there is a reasonable certainty that no harm will result from aggregate exposure to pymetrozine residues.

2. *Infants and children*. In assessing the potential for additional sensitivity of infants and children to residues of pymetrozine, data from developmental toxicity studies in the rat and rabbit and a two-generation reproduction study in the rat have been considered.

In a teratology study in rats, developmental toxicity anomalies and variations associated was observed only at maternally toxic doses. Similarly, in a rabbit teratology study, was observed only at maternally toxic doses. The NOELs in the rat and rabbit teratology studies were 30 and 10 mg/kg/day, respectively. In the two-generation reproduction study, there were no effects on reproductive parameters. Offspring body weights were slightly reduced and eye opening was slightly delayed at dose levels producing parental toxicity. The NOEL for parental and offspring toxicity was 20 ppm (approximately 1–4 mg/kg/day).

FFDCA section 408 provides that EPA may apply an additional safety factor for infants and children in the case of threshold effects to account for pre- and post-natal toxicity and the completeness of the database. Based on the current toxicological requirements, the database relative to pre- and post-natal effects for children is complete. Further, for pymetrozine, the NOEL of 0.57 from the chronic feeding study in dogs, which was used to calculate the RfD (0.0057 mg/kg/day), is already lower than the developmental NOELs (30 and 10 mg/kg/day) from the teratogenicity studies in rats and rabbits by a factor of more than tenfold. In the pymetrozine rat reproduction study, the mild nature of the effects observed (decreased body weight) at the systemic LOEL (10–40 mg/kg/day) and the fact that the effects were observed at a dose that is more than 10 times greater than the NOEL in the chronic dog study (0.57 mg/kg/day) suggest that there is no additional sensitivity for infants and children. Therefore, it is concluded that an additional uncertainty factor is not warranted to protect the health of infants and children and that an RfD of 0.0057 mg/kg/day based on the chronic dog study is appropriate for assessing aggregate risk to infants and children from pymetrozine.

Using the exposure assumptions described above, the percent of the RfD that will be utilized by aggregate exposure to residues of pymetrozine is 0.43% for nursing infants less than 1 year old, 1.49% for non-nursing infants, 3.44% for children 1–6 years old and 2.72% for children 7–12 years old. Therefore, based on the completeness and reliability of the toxicity database, Novartis concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to pymetrozine residues.

F. International Tolerances

There are no Codex maximum levels established for residues of pymetrozine.

[FR Doc. 98–13447 Filed 5–19–98; 8:45 am]
BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[PF–804; FRL–5788–8]

Westvaco Corporation; Pesticide Tolerance Petition Filing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by the docket control number PF–804, must be received on or before June 19, 1998.

ADDRESSES: By mail submit written comments to: Information and Records Integrity Branch, Public Information and Services Divison (7502C), Office of Pesticides Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person bring comments to: Rm. 119, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by following the instructions under ''SUPPLEMENTARY INFORMATION.'' No confidential business information should be submitted through e-mail.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). CBI should not be submitted through e-mail. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 119 at the address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Bipin C. Gandhi, Registration Support Branch, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 4-W53, Crystal Station ι1, 2800 Jefferson Davis Highway, Arlington, VA 22202, (703) 308–8380; e-mail: gandhi.bipin@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Comestic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

The official record for this notice of filing, as well as the public version, has been established for this notice of filing under docket control number [PF–804] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official record is located at the address in ''ADDRESSES'' at the beginning of this document.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comment and data will

also be accepted on disks in Wordperfect 5.1/6.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket control number (PF–804) and appropriate petition number. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

List of Subjects

Environmental protection, Agricultural commodities, Food additives, Feed additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 4, 1998.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Summaries of Petitions

Petitioner summaries of the pesticide petitions are printed below as required by section 408(d)(3) of the FFDCA. The summaries of the petitions were prepared by the petitioners and represent the views of the petitioners. EPA is publishing the petition summaries verbatim without editing them in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

1. Westvaco Corporation

PP 6E4749

EPA has received a pesticide petition (PP 6E4749) from Westvaco Corporation, Chemical Division, 3950 Faber Place Drive, North Charleston, SC 29405, proposing pursuant to section 408(d) of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 346a(d), to amend 40 CFR part 180 to establish an exemption from the requirement of a tolerance for residues of acrylic acid, styrene, alpha-methyl styrene copolymer ammonium salt (CAS Reg. No. 89678-90-0) when used as an inert ingredient (encapsulating agent, dispensers, resins, fibers and beads) in pesticide formulations applied to growing crops or raw agricultural commodities after harvest, under 40 CFR 180.1001(c) and applied to animals under 40 CFR 180.1001(e). EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Toxicity Data

As part of the EPA policy statement on inert ingredients published in the **Federal Register** of April 22, 1987 (52 FR 13305) (FRL–3190-1), the Agency set forth a list of studies which would generally be used to evaluate the risks posed by the presence of an inert ingredient in a pesticide formulation. However, where it can be determined without the data that the inert ingredient will present minimal or no risk, the Agency generally does not require some or all of the listed studies to rule on the proposed tolerance or exemption from the requirement of a tolerance for an inert ingredient. Westvaco believes that the data and information described below is adequate to ascertain the toxicology and characterize the risk associated with the use of acrylic acid, styrene, alpha-methyl styrene copolymer ammonium salt (CAS Reg. No. 89678-90-0) as an inert ingredient in pesticide formulations applied to growing crops and raw agricultural commodities after harvest.

In the case of certain chemical substances that are defined as ''polymers'' the EPA has established a set of criteria which identify categories of polymers that present low risk. These criteria (described in 40 CFR 723.250) identify polymers that are relatively unreactive and stable compared to other chemical substances as well as polymers that typically are not readily absorbed. These properties generally limit a polymer's ability to cause adverse effects. In addition, these criteria exclude polymers about which little is known. The EPA believes that polymers meeting the criteria noted below will present minimal or no risk.

Acrylic acid, styrene, alpha-methyl styrene copolymer ammonium salt (CAS Reg. No. 89678-90-0) conforms to the definition of polymer given in 40 CFR 723.250(b) and meets the following criteria that are used to identify low risk polymers.

1. Acrylic acid, styrene, alpha-methyl styrene copolymer ammonium salt is not a cationic polymer, nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.

2. Acrylic acid, styrene, alpha-methyl styrene copolymer ammonium salt contains as an integral part of its composition the atomic elements carbon and hydrogen.

3. Acrylic acid, styrene, alpha-methyl styrene copolymer ammonium salt does not contain as an integral part of its composition, except as impurities, any elements other than those listed in 40 CFR 723.250(d)(2)(ii).

4. Acrylic acid, styrene, alpha-methyl styrene ammonium salt copolymer is not designed, nor is it reasonably anticipated to substantially degrade, decompose, or depolymerize.

5. Acrylic acid, styrene, alpha-methyl styrene copolymer ammonium salt is not manufactured or imported from monomers and/or other reactants that are not already included on the Toxic Substance Control Act (TSCA) Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. Acrylic acid, styrene, alpha-methyl styrene copolymer ammonium salt is not a water absorbing polymer.

7. Acrylic acid, styrene, alpha-methyl styrene copolymer ammonium salt does not contain any group as reactive functional groups.

8. The minimum number-average molecular weight of the acrylic acid, styrene, alpha-methyl styrene copolymer is listed as 1,200 daltons. Substances with molecular weights greater than 400 generally are not absorbed through the intact skin, and substances with molecular weights greater than 1,000 generally are not absorbed through the intact gastrointestinal (GI) tract. Chemicals not absorbed through the skin or GI tract generally are incapable of eliciting a toxic response.

9. The Acrylic acid, styrene, alpha-methyl styrene copolymer has a number-average molecular weight of 1,200 and contains less than 10% oligomeric material below molecular weight 500 and less than 25% oligomeric material below 1,000 molecular weight.

In addition, acrylic acid, styrene, alpha-methyl styrene copolymer is approved by the Food and Drug Administration (FDA) under 21 CFR for contact with food as a component in adhesives (21 CFR 175.105), coatings (21 CFR 175.300), and paper and paperboard (21 CFR 176.170). The ammonium hydroxide utilized to form the ammonium salt is listed in 21 CFR 184.1139 under the section, ''Direct food substances affirmed as generally recognized as safe''.

B. Aggregate Exposure

Acrylic acid, styrene, alpha-methyl styrene copolymer ammonium salt formulations have been in commerce since the mid 1960's. The copolymer is ubiquitous in our every day environment and as it is commonly used in flexographic printing inks and coatings, such as on newspapers,

corrugated boxes (e.g. pizza boxes) and disposable drinking cups.

Although exposure to acrylic acid, styrene, alpha-methyl styrene copolymer ammonium salt may occur through dietary (e.g., food wrapping containing copolymer) and non-occupational (e.g., printed articles) sources, the chemical characteristics of acrylic acid, styrene, alpha-methyl styrenecopolymer ammonium salt lead to the conclusion that there is a reasonable certainty of no harm from aggregate exposure to the polymer. Given the existing widespread and historic use of acrylic acid, styrene, alpha-methyl styrene copolymer ammonium salt, any additional exposure resulting from the approval of the copolymer as an inert ingredient in pesticide formulations for use on growing crops or to raw agricultural commodities after harvest is not warranted.

C. Cumulative Effects

At this time there is no information to indicate that any toxic effects produced by acrylic acid, styrene, alpha-methyl styrene copolymer ammonium salt would be cumulative with those of any other chemical. Given the compound's categorization as a ''low risk polymer'' (40 CFR 723.250) and its proposed use as an inert ingredient in pesticide formulations, there is no reasonable expectation of increased risk due to cumulative exposure.

D. International Tolerances

Westvaco is petitioning that acrylic acid, styrene, alpha-methyl styrene copolymer ammonium salt be exempt from the requirement of a tolerance based upon its status as a low risk polymer as per 40 CFR 723.250. Therefore, analytical method to determine residues of acrylic acid, styrene, alpha-methyl styrene copolymer in raw agricultural commodities treated with pesticide formulations containing acrylic acid, styrene, alpha-methyl styrene copolymer have not been proposed.

2. Westvaco Corporation

PP 6E4750

EPA has received a pesticide petition (PP 6E4750) from Westvaco Corporation, Chemical Division, 3950 Faber Place Drive, North Charleston, SC 29405, proposing pursuant to section 408(d) of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 346a(d), to amend 40 CFR part 180 to establish an exemption from the requirement of a tolerance for residues of styrene, 2-ethylhexyl acrylate, butyl acrylate copolymer (CAS Reg. No. 30795-23-4) when used as an inert ingredient (encapsulating agent, dispensers, resins, fibers and beads) in pesticide formulations applied to growing crops or raw agricultural commodities after harvest, under 40 CFR 180.1001(c) and applied to animals under 40 CFR 180.1001(e). EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Toxicity Data

As part of the EPA policy statement on inert ingredients published in the **Federal Register** of April 22, 1987 (52 FR 13305) (FRL–3190-1), the Agency set forth a list of studies which would generally be used to evaluate the risks posed by the presence of an inert ingredient in a pesticide formulation. However, where it can be determined without the data that the inert ingredient will present minimal or no risk, the Agency generally does not require some or all of the listed studies to rule on the proposed tolerance or exemption from the requirement of a tolerance for an inert ingredient. Westvaco believes that the data and information described below is adequate to ascertain the toxicology and characterize the risk associated with the use of styrene, 2-ethylhexyl acrylate, butyl acrylate copolymer (CAS Reg. No. 30795-23-4) as an inert ingredient in pesticide formulations applied to growing crops and raw agricultural commodities after harvest.

In the case of certain chemical substances that are defined as ''polymers'', the EPA has established a set of criteria which identify categories of polymers that present low risk. These criteria (described in 40 CFR 723.250) identify polymers that are relatively unreactive and stable compared to other chemical substances as well as polymers that typically are not readily absorbed. These properties generally limit a polymer's ability to cause adverse effects. In addition, these criteria exclude polymers about which little is known. The EPA believes that polymers meeting the criteria noted below will present minimal or no risk.

Styrene, 2-ethylhexyl acrylate, butyl acrylate copolymer (CAS Reg. No. 30795-23-4) conforms to the definition of polymer given in 40 CFR 723.250(b) and meets the following criteria that are used to identify low risk polymers.

1. Styrene, 2-ethylhexyl acrylate, butyl acrylate copolymer is not a cationic polymer, nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.

2. Styrene, 2-ethylhexyl acrylate, butyl acrylate copolymer contains as an integral part of its composition the atomic elements carbon, chlorine, and hydrogen.

3. Styrene, 2-ethylhexyl acrylate, butyl acrylate copolymer does not contain as an integral part of its composition, except as impurities, any elements other than those listed in 40 CFR 723.250 (d)(2)(ii).

4. Styrene, 2-ethylhexyl acrylate, butyl acrylate copolymer is not designed, nor is it reasonably anticipated to substantially degrade, decompose, or depolymerize.

5. Styrene, 2-ethylhexyl acrylate, butyl acrylate copolymer is not manufactured or imported from monomers and/or other reactants that are not already included on the Toxic Substance Control Act (TSCA) Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. Styrene, 2-ethylhexyl acrylate, butyl acrylate copolymer is not a water absorbing polymer.

7. Styrene, 2-ethylhexyl acrylate, butyl acrylate copolymer does not contain any group as reactive functional groups.

8. The minimum number-average molecular weight of styrene, 2-ethylhexyl acrylate, butyl acrylate copolymer is listed as 4,228 daltons. Substances with molecular weights greater than 400 generally are not absorbed through the intact skin, and substances with molecular weights greater than 1,000 generally are not absorbed through the intact gastrointestinal (GI) tract. Chemicals not absorbed through the skin or GI tract generally are incapable of eliciting a toxic response.

9. Styrene, 2-ethylhexyl acrylate, butyl acrylate copolymer has a number-average molecular weight of 4,228 and contains less than 10% oligomeric material below molecular weight 500 and less than 25% oligomeric material below 1,000 molecular weight.

B. Aggregate Exposure

Styrene, 2-ethylhexyl acrylate, butyl acrylate copolymer formulations have been in commerce since the mid 1960's. The copolymer is ubiquitous in our every day environment and as it is commonly used in flexographic printing inks and coatings such as on

newspapers, corrugated boxes (e.g. pizza boxes) and disposable drinking cups.

Although exposure to styrene, 2-ethylhexyl acrylate, butyl acrylate copolymer may occur through dietary (e.g., food wrapping containing copolymer) and non-occupational (e.g., printed articles) sources, the chemical characteristics of styrene, 2-ethylhexyl acrylate, butyl acrylate copolymer lead to the conclusion that there is a reasonable certainty of no harm from aggregate exposure to the polymer. Given the existing widespread and historic use of styrene, 2-ethylhexyl acrylate, butyl acrylate copolymer, any additional exposure resulting from the approval of the copolymer as an inert ingredient in pesticide formulations for use on growing crops or to raw agricultural commodities after harvest is not warranted.

In addition, styrene, 2-ethylhexyl acrylate, butyl acrylate copolymer is approved by the Food and Drug Administration (FDA) under 21 CFR for contact with food as a component in adhesives (21 CFR 175.105), coatings (21 CFR 175.300), and paper and paperboard (21 CFR 176.170).

C. Cumulative Effects

At this time there is no information to indicate that any toxic effects produced by styrene, 2-ethylhexyl acrylate, butyl acrylate copolymer would be cumulative with those of any other chemical. Given the compound's categorization as a ''low risk polymer'' (40 CFR 723.250) and its proposed use as an inert ingredient in pesticide formulations, there is no reasonable expectation of increased risk due to cumulative exposure.

D. International Tolerances

Westvaco is petitioning that styrene, 2-ethylhexyl acrylate, butyl acrylate copolymer be exempt from the requirement of a tolerance based upon its status as a low risk polymer as per 40 CFR 723.250. Therefore, analytical methods to determine residues of styrene, 2-ethylhexyl acrylate, butyl acrylate copolymer in raw agricultural commodities treated with pesticide formulations containing styrene, 2-ethylhexyl acrylate, butyl acrylate copolymer have not been proposed.

[FR Doc. 98–13446 Filed 5–19–98; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). Currently, the FDIC is soliciting comments concerning the following collections of information titled: (1) Procedures for Monitoring Bank Secrecy Act Compliance; (2) Application to Participate in a Conversion Transaction; (3) Application for Waiver of Prohibition on Receipt of Brokered Deposits by Adequately Capitalized Insured Depository Institutions, Registration of Deposit Brokers; (4) Notice of Branch Closure and (5) Real Estate Lending Standards.

DATES: Comments must be submitted on or before July 20, 1998.

ADDRESSES: Interested parties are invited to submit written comments to Tamara R. Manly, Management Analyst (Regulatory Analysis), (202) 898–7453, Office of the Executive Secretary, Room 4058, Attention: Comments/OES, Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429. All comments should refer to the OMB control number. Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m. [FAX number (202) 898–3838; Internet address: comments@fdic.gov].

A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Alexander Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Tamara R. Manly, at the address identified above.

SUPPLEMENTARY INFORMATION:

Proposal to renew the following currently approved collections of information:

1. *Title:* Procedures for Monitoring Bank Secrecy Act Compliance.

OMB Number: 3064–0087.

Frequency of Response: On occasion.

Affected Public: Any financial institution complying with the requirements of the Bank Secrecy Act.

Estimated Number of Respondents: 8,400.

Estimated Time per Response: .5 hours.

Estimated Total Annual Burden: 4,200 hours.

General Description of Collection: 12 CFR 326 requires all insured nonmenber banks to establish and maintain procedures designed to assure and monitor their compliance with the requirements of the Bank Secrecy Act (31 U.S.C. 5311 *et seq.*) and the implementing regulations promulgated thereunder by the Department of Treasury at 31 CFR 103.

2. *Title:* Application to Participate in a Conversion Transaction.

OMB Number: 3064–0098.

Frequency of Response: On occasion.

Affected Public: Any depository institution participating in a conversion transaction.

Estimated Number of Respondents: 10.

Estimated Time per Response: 3 hours.

Estimated Total Annual Burden: 30 hours.

General Description of Collection: Section 5(d) of the Federal Deposit Insurance Act (12 U.S.C. 1815(d)) provides that no insured depository institution may participate in a conversion transaction without the prior approval of the FDIC and that entrance and exit fees shall be assessed to the participating institutions. The FDIC implements this statutory requirement by requiring depository institutions wishing to participate in conversion transactions to submit a letter application to obtain FDIC approval.

3. *Title:* Application for Waiver of Prohibition on Receipt of Brokered Deposits by Adequately Capitalized Insured Depository Institutions, Registration of Deposit Brokers.

OMB Number: 3064–0099.

Frequency of Response: On occasion.

Affected Public: Any insured depository institution seeking a waiver to the prohibition on the acceptance of brokered deposits.

Estimated Number of Respondents: 175.

Estimated Time per Response: 2.2.

Estimated Total Annual Burden: 385 hours.

General Description of Collection: Section 29 of the Federal Deposit Insurance Act prohibits undercapitalized insured depository institutions from accepting, renewing, or rolling over any brokered deposits.

Adequately capitalized institutions may do so with a waiver from the FDIC, while well-capitalized institutions may accept, renew, or roll over brokered deposits without restriction. Section 29A requires notification by deposit brokers of their activity and authorizes the imposition of certain recordkeeping and reporting requirements.

4. *Title:* Notice of Branch Closure.

OMB Number: 3064–0109.

Frequency of Response: As needed.

Affected Public: Any financial institution that proposes to close a branch.

Estimated Number of Respondents: 1,050.

Estimated Time per Response: 1.333 hours.

Estimated Total Annual Burden: 1,400 hours.

General Description of Collection: Section 42 of the Federal Deposit Insurance Act mandates that an institution that proposes to close a branch notify its primary Federal regulator no later than 90 days prior to the closing. The statue also provides that a notice be posted on the premises of the branch for the 30-day period immediately prior to the closing and that the customers be notified in a mailing at least 90 days prior to the closing. Each insured depository institution is required to adopt policies for branch closings.

5. *Title:* Real Estate Lending Standards.

OMB Number: 3064–0112.

Frequency of Response: As needed.

Affected Public: Any financial institution engaging in real estate lending.

Estimated Number of Respondents: 7,400.

Estimated Time per Response: 20 hours.

Estimated Total Annual Burden: 148,000 hours.

General Description of Collection: Institutions will use real estate lending policies to guide their lending operations in a manner that is consistent with safe and sound banking practices and appropriate to their size, nature and scope of their operations. These policies should address certain lending considerations, including loan-to-value limits, loan administration policies, portfolio diversification standards, and documentation, approval and reporting requirements.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the collection should be modified prior to submission to OMB for review and approval. Comments submitted in response to this notice also will be summarized or included in the FDIC's requests to OMB for renewal of this collection. All comments will become a matter of public record.

Dated at Washington, DC, this 14th day of May 1998.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 98–13382 Filed 5–19–98; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreements(s) under the Shipping Act of 1984.

Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, N.W., Room 962. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 217–011622

Title: Space Charter Agreement between Croatia Line and the CMA/Italia Space Charter and Sailing Agreement

Parties:

Croatia Line

The CMA/Italia Space Charter and Sailing Agreement and its member lines: Companie Maritime d'Affretement (''CMA'') and Italia d'Navigazione S.p.A.

Synopsis: The proposed Agreement authorizes the CMA/Italia Space Charter and Sailing Agreement to charter space to Croatia Line and to enter into cooperative arrangements in the trades between ports on the Mediterranean Sea and the U.S. Atlantic Coast. The parties have requested expedited review.

Dated: May 14, 1998.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 98–13346 Filed 5–19–98; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, D.C. 20573.

Miami, Inc., 8211 NW 68 Street, Miami, FL 33166, Officer; Javier Palenque, President

Reliance Shipping Group, L.L.C., Rt. 5 Box 1018, 5353 I 35, Red Oak, TX 75154, Officers: Don McNally, Managing Member, Gary Childs, Managing Member

Razo Logistics and Documentation Services, 1006 Beckman, Houston, TX 77076, Gloria S. Razo, Sole Proprietor

Dated: May 14, 1998.

Joseph C. Polking,

Secretary.

[FR Doc. 98–13348 Filed 5–19–98; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL MARITIME COMMISSION

[Petition P2–98]

In the Matter of Jeremy Anderson, Hitomi Matsutani d/b/a Cargo Master, Ampac Line, and Landsea Brokers, Inc.; Filing of Petition for a Consent Cease and Desist Order

Notice is given that a petition has been filed by the Commission's Bureau of Enforcement (''BOE''), seeking issuance of a consent cease and desist order that would ratify a consent agreement entered into between BOE and Hitomi Matsutani d/b/a/ Cargo Master, Ampac Line, Landsea Brokers, Inc. and Jeremy Anderson, in his individual capacity (''Respondent''). By the terms of the consent agreement, Respondents would be barred from

operating as an NVOCC for a period of two years, and prohibited thereafter from operating as an NVOCC or ocean freight forwarder without the proper bond, tariff or license.

Interested persons may reply to the petition no later than June 5, 1998. Replies shall be directed to the Secretary, Federal Maritime Commission, Washington, DC 20573–0001, and shall consist of an original and 15 copies.

Copies of the petition and the consent agreement are available for examination at the Washington, DC office of the Secretary of the Commission, 800 N. Capital Street, NW., Room, 1046.

Joseph C. Polking,

Secretary.

[FR Doc. 98–13347 Filed 5–19–98; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than June 4, 1998.

A. Federal Reserve Bank of Minneapolis (Karen L. Grandstrand, Vice President) 90 Hennepin Avenue, P.O. Box 291, Minneapolis, Minnesota 55480-0291:

1. William H. Bosshard, La Crosse, Wisconsin; to acquire additional voting shares of Bosshard Banco, Ltd., La Crosse, Wisconsin, and thereby indirectly acquire voting shares of First National Bank of Bangor, Bangor, Wisconsin, and Intercity State Bank, Schofield, Wisconsin.

Board of Governors of the Federal Reserve System, May 15, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–13448 Filed 5–19–98; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 14, 1998.

A. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. Regions Financial Corporation, Birmingham, Alabama; to acquire 100 percent of the voting shares of Jacobs Bank, Scottsboro, Alabama. Comments regarding this application must be received not later than June 8, 1998.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Horizons Bancorp, Inc., Monroe, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of Horizons Bank, Monroe, Louisiana.

Board of Governors of the Federal Reserve System, May 15, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–13449 Filed 5–19–98; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 98-12657) published on page 26607 of the issue for Wednesday, May 13, 1998.

Under the Federal Reserve Bank of Atlanta heading, the entry for Regions Financial Corporation, Birmingham, Alabama, is revised to read as follows:

A. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. Regions Financial Corporation, Birmingham, Alabama; to merge with First Community Banking Services (formerly Fayette County Bancshares), Peachtree City, Georgia, and thereby indirectly acquire formerly Fayette County Bank, Peachtree City, Georgia.

Comments on this application must be received by June 8, 1998.

Board of Governors of the Federal Reserve System, May 15, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–13450 Filed 5–19–98; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11:00 a.m., Tuesday, May 26, 1998.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Joseph R. Coyne, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.bog.frb.fed.us for an electronic announcement that not only lists

applications, but also indicates procedural and other information about the meeting.

Dated: May 15, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–13478 Filed 5–15–98; 4:22 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

Meeting of the National Advisory Council for Health Care Policy, Research, and Evaluation

AGENCY: Agency for Health Care Policy and Research, HHS.

ACTION: Notice of public meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a meeting of the National Advisory Council for Health Care Policy, Research, and Evaluation.

DATES: The meeting will be held on Friday, June 5, 1998 from 8:30 a.m. to 4 p.m.

ADDRESSES: The meeting will be held at the DoubleTree Hotel, 1750 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Nancy Foster, Coordinator of the Advisory Council at the Agency for Health Care Policy and Research 2101 East Jefferson Street, Suite 502, Rockville, Maryland 20852, (301) 594–1349 ext. 1307.

If sign language interpretation or other reasonable accommodation for a disability is needed, please contact Linda Reeves, Assistance Administrator for Equal Opportunity, AHCPR, on (301) 594–6665 ext. 1055 no later than May 22, 1998.

SUPPLEMENTARY INFORMATION:

I. Purpose

The Council provides advice to the Secretary and the Administrator, Agency for Health Care Policy and Research (AHCPR), on matters related to AHCPR activities to enhance the quality, appropriateness, and effectiveness of health care services and access to such services through scientific research and the promotion of improvements in clinical practice and in the organization, financing, and delivery of health care services. The Council is composed of members of the public appointed by the Secretary and Federal ex-officio members. The Council will be chaired by Harold S. Luft, Ph.D.

II. Agenda

On Friday, June 5, 1998, the meeting will begin at 8:30 a.m., with the call to order by the Council Chairman. The Administrator, AHCPR, will update the status of current Agency programs and initiatives. The Council will then discuss key issues in dissemination of research findings to promote their use, ethical aspects of using public funds for the development of products that will be marketed commercially, and future directions for research on quality, health economics, and primary care.

The meeting will adjourn at 4:00 p.m. Agenda items are subject to change as priorities dictate.

Dated: May 14, 1998.

John M. Eisenberg,

Administrator.

[FR Doc. 98–13396 Filed 5–19–98; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98N–0056]

List of Drugs for Which Additional Pediatric Information May Produce Health Benefits in the Pediatric Population; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a list entitled ''List of Drugs for Which Additional Pediatric Information May Produce Health Benefits in the Pediatric Population'' (hereinafter referred to as ''the list''). This is a list of approved drugs for which additional pediatric information may produce health benefits in the pediatric population. The list is being published under new statutory requirements of the Food and Drug Administration Modernization Act of 1997 (Modernization Act). The purpose of the list is to identify certain drugs for which certain information is necessary to determine if an approved drug can be used safely and effectively in the pediatric population.

DATES: Submit written comments on the procedure and criteria used to develop the list at any time.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857. Submit written requests for single copies of the list to the Drug Information Branch (HFD–210), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4573. Send one self-addressed adhesive label to assist that office in processing your request. Single copies of the list may also be obtained by mail from the Office of Communication, Training and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research (CBER), or by calling the CBER Voice Information System at 1–800–835–4709, or 301–827–1800. Copies of the list may be obtained from CBER's FAX Information System at 1–888–CBER–FAX or 301–827–3844. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the list.

FOR FURTHER INFORMATION CONTACT:

Khyati N. Roberts, Center for Drug Evaluation and Research (HFD–6), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–6779, FAX 301–594–5493, e-mail robertsk@cder.fda.gov, or

David W. Feigal, Center for Biologics Evaluation and Research (HFM–6), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–0376, FAX 301–827–0440, e-mail feigal@cber.fda.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On November 21, 1997, President Clinton signed into law the Modernization Act (Pub. L. 105–115). Section 111 of the Modernization Act (21 U.S.C. 355A(b)) requires FDA, after consultation with experts in pediatric research, to develop, prioritize, and publish a list of approved drugs for which additional pediatric information may produce health benefits in the pediatric population. Inclusion of a drug on the list does not necessarily mean that the drug is entitled to pediatric exclusivity.

FDA developed a draft list in consultation with experts in pediatric research, trade organizations, and other interested persons, and made the draft list available for public comment (see 63 FR 12815, March 16, 1998). After consideration of comments on the draft list, FDA is publishing the list of approved drugs for which additional pediatric information may produce health benefits in the pediatric population and announcing its availability through this notice.

II. Procedure for Updating the List

The Modernization Act also requires FDA to update the list annually. FDA plans to update the list regularly and at least annually. Individuals desiring to comment on the procedure and criteria used to develop the list may submit at any time written comments identified with the docket number found in brackets in the heading of this document. Persons seeking to add a particular drug to the priority section of the list or to have a drug removed from the priority section of the list may submit to the agency a citizen petition that complies with the requirements of 21 CFR part 10. At its discretion, the agency may consult with a sitting advisory committee, which may include pediatric research experts, before determining whether to include a drug on or remove a drug from the list.

III. Electronic Access

Persons with access to the Internet may obtain the list and all updated versions of the list by using the World Wide Web (WWW). For WWW access, connect to CDER at http://www.fda.gov/cder/pediatric or to CBER at http://www.fda.gov/CBER/publications.htm.

IV. Request for Comments

Interested persons may submit at any time to the Dockets Management Branch (address above) written comments regarding the procedure and criteria used to develop the list. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The list and received comments will be available for public examination in the office above between 9 a.m. and 4 p.m., Monday through Friday. Received comments will be considered in determination whether further revision of the list is warranted.

Dated: May 13, 1998.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 98–13554 Filed 5–19–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Privacy Act of 1974; Addition of Routine Uses to an Existing System of Records

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notification of an addition of routine uses to an existing system of records.

SUMMARY: In accordance with the requirements of the Privacy Act, the Health Resources and Services Administration (HRSA) is publishing a proposal to add three new routine uses for the records in System of Records 09–15–0056, National Vaccine Injury Compensation Program (VICP), BHPr/HRSA/HHS. HRSA proposes to specify the categories of records in the system, and to expand the list of routine use in record disclosures to include disclosures for research purposes, disclosures to annuity brokers, and disclosures to employees of life insurance companies for the purposes of providing benefits to recipients under the VICP.

DATES: HRSA invites interested parties to submit comments on the addition of new routine uses on or before June 19, 1998. The HRSA/VICP will adopt the new routine uses without further notice 30 days after the date of publication, unless HRSA receives comments which would result in a contrary determination.

ADDRESSES: Please address comments on the altered system of records to the Health Resources and Services Administration (HRSA) Privacy Act Officer, Department of Health and Human Services, 5600 Fishers Lane, Room 14A–20, Rockville, Maryland 20857, telephone (301) 443–3780. This is not a toll-free number.

FOR FURTHER INFORMATION CONTACT: Director, Division of Vaccine Injury Compensation, BHPr/HRSA, Room 8A–35, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857; telephone (301) 443–6593. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The routine use changes proposed are to expand the ''Routine Uses of Records'' to specify conditions for approving access to the system of records for research purposes.

Access to the system is limited to authorized users only. Stringent physical and procedural safeguards are in place to protect information.

The alteration of this system will have a minimal effect on an individual's privacy and should not affect personal rights. The information gathered for research purposes or benefit payment purposes will not be disclosed publicly in identifiable form.

Disclosure of information from this system of records may provide important information about vaccine safety, benefit-payment trends or the VICP.

The following notice is written in the present, rather than the future tense, to avoid the unnecessary expenditure of public funds to republish the notice after the routine use has become effective.

Dated: May 11, 1998.

Claude Earl Fox,

Acting Administrator.

Add to Routine Uses of Records Maintained in the System:

7. A record may be disclosed to annuity brokers and to employees of life insurance companies for the purposes of obtaining financial advice and for the purchase of contracts to provide benefits to recipients of benefits under the Program. Organizations to which information is disclosed for this use will be required to maintain Privacy Act safeguards with respect to such records.

8. A record may be disclosed to contractors for the purpose of providing medical review, analysis and determination as to whether petitions meet the medical requirements for compensation. Contractors will be required to maintain Privacy Act safeguards with respect to such records.

9. A record may be disclosed for a research purpose when the Department:

(A) Has determined that the disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(B) Has determined that the research purpose:

(1) Is consistent with the purpose for which the program was formed, which includes but is not limited to evaluating the safety of vaccines covered under the Program,

(2) Cannot be reasonably accomplished with information in statistical form, and must be provided in an identifiable form to accomplish the research purpose, and

(3) Warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(C) Has required the recipient to:

(1) Establish reasonable administrative, technical and physical safeguards to prevent unauthorized use or disclosure of the record,

(2) Remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and

(3) Make no further use of the record except:

(a) In emergency circumstances affecting the health or safety of any individual,

(b) For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(c) When required by law; and

(D) Has secured a written statement attesting to the recipient's understanding of and willingness to abide by these provisions.

[FR Doc. 98–13297 Filed 5–19–98; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Refugee Resettlement

Modification to the Standing Announcement Published in the Federal Register on December 9, 1997 (62 FR 236)

AGENCY: Office of Refugee Resettlement (ORR) Administration for Children and Families, DHHS.

ACTION: Notice of correction.

SUMMARY: Notice is hereby given that the ORR Standing Announcement, 62 FR 236, with closing dates of January 31, 1998 and June 30, 1998 will have the following changes.

The following programs will be competed as scheduled in the December 9, 1997 notice: Category 1, Preferred Communities, Category 2, Unanticipated Arrivals, Category 5, Mental Health, and Category 6, Ethnic Community Organizations.

Category 3, Orientation, will be canceled for the June 30, 1998 closing. This program will be competed again with closing date of January 31st beginning in 1999 and each subsequent year until the Standing Announcement is revised or canceled.

Category 4, Technical Assistance to Orientation Grantees, is hereby canceled.

Dated: May 14, 1998.

Lavinia Limon,

Director, Office of Refugee Resettlement.

[FR Doc. 98–13433 Filed 5–19–98; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Notice of Availability of Funding To Provide Community Service Employment Opportunities for Refugees Who Have Experienced Long-term Difficulties in Assimilation

AGENCY: Office of Refugee Resettlement, ACF, DHHS.

ACTION: Request for applications for projects to provide community service employment opportunities for refugees who have experienced long-term difficulties in assimilation.

SUMMARY: This program announcement governs the availability of social services funds and award procedures for $16 million in FY 1998 discretionary grants for community service employment for refugees under the Refugee Resettlement Program. These grants, which will be awarded on a competitive basis, are for localities with large concentrations of refugees who have experienced difficulty integrating socially and economically into local communities. Refugees are eligible to participate in these projects regardless of the length of time they have resided in the U.S. Applications may include requests for project periods of up to three years, with an initial budget period of one year. Where awards are made for multiple year project periods, continuation grant applications will be entertained in subsequent years on a non-competitive basis, subject to the availability of funds, successful progress of the project, and ACF/ORR's determination that this would be in the best interest of the government.

The Catalog of Federal Domestic Assistance (CFDA) number assigned to this announcement is 93.576.

DATE: The closing date for receipt of applications is July 20, 1998.

ADDRESS: Address applications to: Office of Refugee Resettlement, Division of Community Resettlement, 6th Floor East, Aerospace Building, 370 L'Enfant Promenade, SW, Washington, DC 20447

FOR FURTHER INFORMATION CONTACT: Nguyen T. Kimchi at (202) 401–4556, e-mail: Nkimchi@acf.dhhs.gov, or send correspondence to the above listed address.

SUPPLEMENTARY INFORMATION:

Part I. General Information

A. Background

There are communities across this country with large concentrations of refugees [1], many of whom entered the United States over a decade ago. For some refugees, language skills, cultural barriers, the lack of financial resources, and years of relying on public assistance, have isolated them from the mainstream, limited their employment opportunities and hindered integration into American communities. Their rate of assimilation has been documented in many localities on such key indicators as poverty levels, welfare utilization, car and home ownership, high school completion, college attendance or graduation, language fluency, employment rates, household income, per capita income, and naturalization rates. Prior to their arrival in the U.S., some refugees have experienced torture, starvation or prolonged malnutrition, which have exacerbated their isolation and difficulty in adapting to life in the United States.

In some of these communities, refugees represent a significant percentage of the population and, relative to non-refugee groups, have a sizeable impact on local services, medical clinics, and school systems.

The purpose of this announcement is to improve refugee rates of assimilation in heavily impacted communities by providing funding for workforce experience and training, earned income for refugees and their families, and access to needed services for refugee communities.

Statutory and Regulatory Authority

The FY 1998 House Appropriations Committee Report (H.R. Rept. No. 105–205) stated that: ''The Committee has set-aside $16,000,000 for increased support to communities with large

[1] In addition to persons who meet all requirements of 45 CFR 400.43, ''Requirements for documentation of refugee status,'' eligibility for targeted assistance includes: (1) Cuban and Haitian entrants, under section 501 of the Refugee Education Assistance Act of 1980 (Pub. L. No. 96–422); (2) certain Amerasians from Vietnam who are admitted to the U.S. as immigrants under section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as included in the FY 1988 Continuing Resolution (Pub. L. No. 100–202); and (3) certain Amerasians from Vietnam, including U.S. citizens, under title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 1989 (Pub. L. No. 100–461), 1990 (Pub. L. No. 101–167), and 1991 (Pub. L. No. 101–513). For convenience, the term ''refugee'' is used in this notice to encompass all such eligible persons unless the specific context indicates otherwise.

Refugees admitted to the U.S. under admissions numbers set aside for private-sector-initiative admissions are not eligible to be served under the targeted assistance program (or under other programs supported by Federal refugee funds) during their period of coverage under their sponsoring agency's agreement with the Department of State—usually two years from their date of arrival or until they obtain permanent resident alien status, whichever comes first.

concentrations of refugees whose cultural differences made assimilation especially difficult justifying a more intense level and longer duration of Federal assistance.'' Accordingly, ORR has announced in the Notice of Proposed FY 1998 Refugee Social Service Allocations, published in the **Federal Register**, February 13, 1998, that these funds will be made available through discretionary grants for which this announcement solicits applications.

Section 412(c)(1)(A) of the INA authorizes the Director of ORR ''to make grants to, and enter into contracts with, public or private nonprofit agencies for projects specifically designed—(i) to assist refugees in obtaining the skills which are necessary for economic self-sufficiency, including projects for job training, employment services, day care, professional refresher training, and other recertification services * * *''

Grant awards are also subject to the following federal regulations: 45 CFR part 74—Uniform administrative requirements for awards and subawards to institutions of higher education, hospitals, other nonprofit organizations, and commercial organizations; and certain grants and agreements with States, local governments and Indian tribal governments and 45 CFR part 92, Uniform administrative requirements for grants and cooperative agreements to State and local governments.

B. Purpose and Scope

Under this announcement, the Office of Refugee Resettlement solicits applications from eligible applicants who wish to compete for funds to provide community employment services for refugees who have experienced long-term difficulties in assimilation into American communities.

One of the most effective methods to help refugees obtain employment and achieve economic self-sufficiency is through employment experience. Employment through community service offers a job for the individual, household income for refugee families, community participation, cross-cultural exposure for public and private agencies, and access to community services for refugee communities. For these reasons, ORR is providing funding under this announcement to be primarily for employer subsidies to create or increase the number of community work experience jobs for refugees.

Community service employment may be in the public or private sector; however, given the emphasis in this announcement on gaining refugee access to community services, ORR anticipates that most successful applicants will target these subsidies to public and private non-profit organizations that may not otherwise have the resources to provide this type of employment.

Some examples of positions in agencies which may benefit from community work experience subsidies are: interpreters and aides in community health and maternal care clinics, classroom aides and teachers in elementary schools, police and law enforcement assistants for such programs as neighborhood watch, and police storefronts, outreach workers for mental health agencies, aides in local services to the elderly or at satellite centers located in areas with large concentration of elderly refugees, and caseworker assistants in public welfare offices.

Accordingly, this grant announcement makes available $16 million for community service employment to assist communities with large concentrations of refugees who are experiencing difficulty assimilating into local communities.

C. Eligible Applicants

Eligible grantees are private, non-profit organizations and agencies of State governments that are responsible for the refugee program under 45 CFR 400.5.

D. Eligible Refugees

Refugees eligible to participate in projects funded under this announcement must be at least 21 years of age, unemployed, or without earned income, or members of families receiving public assistance.

All eligible refugees must be residents of their respective communities for at least six months. Priority will be given to those refugees who are able to work but unable to find employment. ORR anticipates that refugees targeted for these positions may be long-term welfare recipients (12 months or more) or those who face termination from Temporary Assistance for Needy Families (TANF) within the 12 month period following enrollment in this project.

E. Available Funds

Approximately $16 million will be available for awards. It is expected that most grant awards will be between $1 million and $5 million. ORR anticipates making 4–5 awards with these funds for projects that will secure employment for a minimum of 100 eligible participants.

The Director of ORR will make final award decisions based on such factors as: the geographic distribution of the competitive applications; the extent to which the grants reflect a reasonable distribution of funds across the areas impacted by refugees, and the availability of funds.

F. Use of Funds

Successful applicants will receive grants to identify and develop, as necessary, community service employment positions for low-income or unemployed refugees at local public or private nonprofit organizations. Applicants must demonstrate a specific need for supplementation of available resources to provide these services for refugees. Projects funded under this announcement will be designed to (a) provide income to refugees and their households, employment experience, and eventual transition to unsubsidized employment; and (b) through the presence and assistance of a refugee employee in these agencies, give refugee communities greater access to local community services.

Grantees must establish a network of relationships with appropriate public or private, non-profit employers to identify and develop suitable subsidized community service employment positions. Grant funds may be used to reimburse employers for up to 100% of the employment wage, for a maximum of 12 months, under the terms of a contract in which, in exchange for the salary subsidy, the employer agrees to provide the refugee employee additional supervisory assistance in learning and retaining the job. Employers are expected to retain the refugee employee in this position after the wage subsidy has ended, if the refugee has performed satisfactorily, or, if insufficient funds are available, to assist the refugee employee in securing other employment.

Refugee employees should be eligible for all benefits available to all other employees at the work site. Applicants should identify the types and number of community service employment positions targeted in their project, including job descriptions, qualifications, and salary levels. Project participants must be paid an hourly wage equal to the prevailing rates of pay for persons employed in similar occupations by the same employer. In no event should the wage be lower than the federal minimum wage.

Approximately 75–80% of grant funds are to be designated for salary subsidies. Applicants may designate up to 5% for employer incentives.

Grantees should provide supportive services to assist project participants in retaining successful community service employment. Such supportive services

may include: on-site technical assistance; employment counseling; work-related incidental expenses for such items as work shoes, uniforms, glasses, public transportation passes, etc. if these are not available from other sources.

Whether the applicant is a State refugee agency or a non-profit organization, projects proposed for funding under this announcement must be designed and implemented by coalitions of local community agencies and refugee organizations. These coalitions must identify clear respective roles and responsibilities for each participating agency within the coalition, expressed in a signed written agreement which describes the purpose and activities of each. The extent of local collaboration will be an important factor in the review of the strength of the proposal.

Applicants must also provide for the creation of an Advisory Board, delineating the roles and responsibilities of each member, compensation, if any, to members, a definitive and measurable work plan, and schedule of meetings.

G. Restrictions

Funds may not be used for lobbying, union-related activities, politically-related employment as a form of political patronage. Wage subsidies must be used for a net increase in the number of positions within a given agency, not to replace currently funded positions. Refugees employed as a result of this project may not displace employed workers or workers on lay-off.

Part II. The Project Description

The project description provides a major means by which an application is evaluated and ranked to compete with other applications for available assistance. The project description should be concise and complete and should address the activity for which Federal funds are being requested. Supporting documents should be included where they can present information clearly and succinctly. Applicants are encouraged to provide information on their organizational structure, staff, related experience, and other information considered to be relevant. The Office of Refugee Resettlement uses this and other information to determine whether the applicant has the capability and resources necessary to carry out the proposed project. It is important, therefore, that this information be included in the application. However, in the narrative the applicant must distinguish between resources directly related to the proposed project from those that will not be used in support of the specified project for which funds are requested.

A. Statement of Need

The need for assistance must be demonstrated and the principal and subordinate objectives of the project must be clearly stated; supporting documentation, such as letters of support and testimonials from concerned interests other than the applicant, may be included. Any relevant data based on planning studies should be included or referred to in the endnotes/footnotes. Incorporate demographic data and participant/beneficiary information, as needed.

The Office of Refugee Resettlement is particularly interested in the following:

A description, with documentation, of the need for services within the proposed target area, including documentation of the number of refugees in the target area and the ratio between refugees to the non-refugee population in the community.

Data and analyses of family and community needs, including the implications of welfare reform and employment patterns on family needs for child care and other support services.

A discussion of how the targeted refugees have the most need of the proposed services. Submit evidence of poor assimilation of refugees relative to the community at-large. Indicators may include: poverty levels, public assistance utilization, unemployment, rates of high school completion, college attendance, car and homeownership, and attainment of citizenship.

B. Design and Approach

Outline a plan of action which describes the scope and detail of how the proposed work will be accomplished. Account for all functions or activities identified in the application. Cite factors which might accelerate or decelerate the work and state your reason for taking the proposed approach rather than others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.

Provide quantitative monthly or quarterly projections of the accomplishments to be achieved for each function or activity in such terms as the number of people to be served. When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target date.

Identify the kinds of data to be collected, maintained and/or disseminated. Note that clearance from the U.S. Office of Management and Budget might be needed prior to a ''collection of information'' that is ''conducted or sponsored'' by ACF/ORR. List organizations, cooperating entities, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

The Office of Refugee Resettlement is particularly interested in the following:

The applicant's plans for delivering effective services to refugees in all areas of service and program management.

A description of the proposed target area(s) for services, recruitment strategies, and priorities for selecting refugee clients for participation.

A description of the services and resources of other local refugee employment service and community agencies.

A plan to identify potential employment, to recruit eligible refugees and begin services as soon as possible.

Describe how community service employment positions will be developed with local employers; how these employers will be encouraged to customize the jobs and provide supervisory support to the employees under this project; identify any local employers who have made commitments to the project and describe them (e.g., number and types of jobs, supportive services and training; etc.)

Note: ORR expects that all applicants funded under this announcement will begin serving refugees and their families no later than March, 1999.

A description of the types and number of community service employment positions targeted for the project including job descriptions, qualifications and salary levels.

Documentation of cooperative arrangements with other public or private agencies to assist the applicant in providing effective employment services. Such cooperative arrangements must include a plan to coordinate the funds as appropriate.

C. Results or Benefits Expected

Identify the results and benefits to be derived for refugees and their families as well as for the community. Based on the stated program objectives, a discussion of the specific results or benefits that could be expected for the refugees and families participating in the program. A discussion of the

specific community-wide results or benefits including those resulting from collaborative partnership with other community agencies including the agencies which employ refugees. The qualitative and quantitative data the program will collect to measure progress towards the stated results or benefits. A discussion of how the program will determine the extent to which it has achieved its stated objectives.

Applicants are encouraged to use ORR standards under the Government Performance and Result Act (GPRA) to measure project results. These are:

- The number of refugees who entered employment.
- Cash assistance terminations due to earnings.
- Average hourly wage at placement.
- Employment retention.
- Employment with health benefits.

The Office of Refugee Resettlement is particularly interested in the following:

Numbers, types and average salaries of refugees to be employed in community service employment positions; the degree to which employee benefits, including medical coverage, are available for these jobs; expectations for job or employment retention after one year; expected average earnings one year after placement into subsidized employment; cost per placement into subsidized community service employment.

The application may include other performance outcomes, as appropriate.

D. Project Management and Implementation

Describe the staff and systems capacity for managing the project, to include: key staff resumes or position descriptions; a project organizational chart identifying all agencies involved in the project and their respective roles and responsibilities; Identify the critical activities, time frames, and responsibilities for implementing the project.

Local Collaboration and Sustainability

Identify a coalition of key agencies, respective roles and responsibilities, and agreements. Describe the local partnerships and each member's contribution to the project; the extent to which the project is coordinated with key community activities; the commitment and integration of other community resources; any involvement of, or participation by, local employers; and the extent to which the community and the coalition have developed plans to maintain and expand the capacity to serve the targeted refugee population;

Advisory Board

Identify and submit position descriptions or resumes for Advisory Board positions.

The Office of Refugee Resettlement is particularly interested in the following:

Evidence of the applicant's ability and experience to administer an employment program and to manage a community service employment program. Include a discussion of any proposed changes and improvements in program management.

A description of the applicant's experience in management of employment services for refugees who have had a protracted history of unemployment. A description of the applicant's experience in management of community, State and Federal partnerships. A description of the applicant's history and relationship with the target community. Include a complete discussion of the program's financial status and program operations. Include an organizational chart of the program.

A description of the mechanisms for recruiting and hiring well-trained and appropriately credentialed staff members.

A discussion of all proposed key staff or managerial positions, their proposed salary rates, the length of time they would be employed each year and the applicant's plans for ongoing monitoring and supervision of other staff including refugees employed under the community employment service program if appropriate.

Applicants who are electing to create partnerships with other agencies, providers, or funding sources should provide:

Letters of commitment from partner agencies and providers, including documentation of any additional resources such as child care, health care or transportation subsidies, etc. that will enhance the program. Explain and itemize these resources or services, and state whether or not these costs are included as part of the non-Federal share.

Plans for managing, coordinating or monitoring, and assisting the efforts of partnering agencies and other forms of collaborative arrangements in meeting the goals of the project.

A description of the experience of the applicant and the proposed partnering agencies in collaborating to deliver effective employment services and in managing multiple sources of funding.

A description of how the applicant will track, manage and account for refugee employment costs and, if applicable, the availability of other funding sources.

E. Budget and Budget Justification

Provide line item detail and detailed calculations for each budget object class identified on the Budget Information form. Detailed calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. The detailed budget must also include a breakout by the funding sources identified in Block 15 of the SF–424.

Provide a narrative budget justification that describes how the categorical costs are derived. Discuss the necessity, reasonableness, and allocability of the proposed costs.

The Office of Refugee Resettlement is particularly interested in the following:

A description of how your proposed budget is reasonable, appropriate and cost effective in view of the proposed services, strategies and anticipated outcomes.

A description of the extent to which your proposal includes significant other resources to complement the ORR funds.

General Instructions

ORR is particularly interested in specific factual information and statements of measurable goals in quantitative terms. Project descriptions are evaluated on the basis of substance, not length. Extensive exhibits are not required. (Supporting information concerning activities that will not be directly funded by the grant or information that does not directly pertain to an integral part of the grant funded activity should be placed in an appendix.) Pages should be numbered and a Table of Contents should be included for easy reference.

The Office of Refugee Resettlement is also requesting that applicants provide a summary of the project description which includes:

- The name and address of the applicant agency.
- The total number of employment placements when the program is completed.
- The total ORR funds requested for a 12 month period.
- The amount and source of any additional funding that will help support the project (i.e., funds that are in addition to Federal ORR funds.)
- The community to be served (name of town(s), city(ies) and county(ies) and the targeted refugee groups.
- The proposed type of jobs, hours per week and wages.
- The target date for beginning full services to refugees.

Additional Information

Following is a description of additional information that should be placed in the appendix of the application.

1. Staff and Position Data

Provide a biographical sketch for each key person appointed and a job description for each vacant position. A biographical sketch will also be required for new key staff as appointed.

2. Organizational Profile

Provide information on the applicant organization and cooperating partners such as organizational charts, financial statements, audit reports or statements from CPAs/Licensed Public Accountants, Employer Identification Numbers, contact persons and telephone numbers, documentation of experience in the program area, and other pertinent information. Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in section 501(c)(3) of the IRS code, *or* by providing a copy of the currently valid IRS tax exemption certificate, *or* by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

Part III. Criteria for Review and Evaluation of the Grant Application

Information provided in response to Part II of this announcement will be used to review and evaluate applications using the following criteria:

A. Need for Assistance to Increase Assimilation (30 points)

Quality of description and documentation with regard to refugee assimilation and impact on the community.

B. Program Design and Approach (20 points)

Soundness of and innovation in program design and methodology for securing community service employment for refugees, including evidence of collaboration through coalitions of local community agencies and refugee organizations.

C. Results and Benefits (20 points)

Providing effective and responsive services to targeted refugees and families. Employment results which are timely, appropriate, and measurable using ORR standards for outcome performance under GPRA.

D. Project Management and Implementation (15 points)

The extent of demonstrated capacity of the applicant organization, key leaders and managers and, where appropriate, proposed partnering organizations in:

Managing the proposed community employment services in a timely, cost-effective manner.

Working successfully in partnership with the targeted refugee communities, families, and other community organizations, institutions, and agencies.

E. Cost Effectiveness and Budget Appropriateness (15 points)

The extent to which the project's costs are reasonable and cost-effective in view of the activities to be carried out and the anticipated outcomes.

The extent to which proposed salaries and fringe benefits reflect appropriate levels of compensation for the responsibilities of staff.

The extent to which costs for refugee wages in community employment are reasonable and equitable.

Part IV. The Application Process

A. Required Forms

Applicants interested in applying for funds must submit a complete application including the required forms—Standard Form 424 and attachments. In order to be considered for a grant under this announcement, an application must be submitted on the Standard Form 424 (approved by the Office of Management and Budget (OMB) under Control Number 0348–0043), a copy of which was published by ORR in the **Federal Register**, Volume 62, No. 236. pages 64870–64883. SF–424 is also available through the Administration for Children and Families website at: http://www.acf.dhhs.gov (at ''Select a Topic'' choose Grant Related Forms and Documents). Each application must be signed by an individual authorized to act for the applicant and to assume responsibility for the obligations imposed by the terms and conditions of the grant award. Applicants requesting financial assistance for non-construction projects must file the Standard Form 424B, Assurances: Non-Construction Programs (approved by the Office of Management and Budget under Control Number 0348–0040). Applicants must sign and return the Standard Form 424B with their application. Applicants must provide a certification concerning lobbying. Applicants must provide information consistent with ACF's approved Uniform Project Description (OMB # 0970–0139), as found in Part II of this Program Announcement. Prior to receiving an award in excess of $100,000, applicants shall furnish an executed copy of the lobbying certification (approved by the Office of Management and Budget under Control Number 0348–0046). Applicants must sign and return the certification with their application.

Applicants must make the appropriate certification of their compliance with the Drug-Free Workplace Act of 1988. By signing and submitting the application, applicants are providing the certification and need not mail back the certification with the application. Applicants must make the appropriate certification that they are not presently debarred, suspended or otherwise ineligible for award. By signing and submitting the application, applicants are providing the certification and need not mail back the certification with the application. Applicants must also understand that they will be held accountable for the smoking prohibition included within Pub. L. 103–227, Part C Environmental Tobacco Smoke (also known as Pro-Children's Act of 1994). A copy of the **Federal Register** notice which implements the smoking prohibition is included with the forms. By signing and submitting the application, applicants are providing the certification and need not mail back the certification with the application.

B. Application Submission

Applicants submitting proposals should use the following format guidelines: Proposals should be organized according to the evaluation criteria located in Part III. For each of the five specified criteria, applicants should provide information in response to the application requirements described in Part II of this announcement.

One signed original and two complete copies of the grant application, including all attachments, are required. Each application must be limited to no more than 25 double-spaced pages of program narrative (not including the Project Summary and the forms which make up the SF–424A and Budget Justification).

If the narrative portion of the application is more than 25 double-spaced pages, the other pages will be removed from the application and not considered by the reviewers. The attachments/appendices to each application must be limited to no more than 25 pages, (in addition to the 25

pages permitted for the narrative portion of the application). If the attachments/appendices to each application are more than 25 pages, the other pages will be removed from the application and not considered by the reviewers.

C. Application Considerations

Applicants will be scored against the evaluation criteria described above. The review will be conducted by a panel consisting of experts in the areas of refugee and employment services.

The results of the competitive review will be taken into consideration by the Director, Office of Refugee Resettlement, in determining the projects to be funded. The Director of ORR will make the final selection of the applicants to be funded. An application may be funded in whole or in part, depending on the relative need for services, applicant ranking, geographic location, proposed costs, and funds available.

Successful applicants will be notified through the issuance of a Financial Assistance Award which sets forth the amount of funds granted, the terms and conditions of the grant, the effective date of the grant, the budget period for which support is given, and the total project period for which support is provided.

D. Checklist for a Complete Application

A complete application consists of the following items in this order:

Introductory Material:

- Cover letter.
- Table of Contents.
- Project Description Summary.

(1) Application for Federal Assistance (SF424).

(2) Budget Information—Non-Construction Programs (SF424A&B).

(3) Budget Justification.

(4) Project Description and Appendices.

(5) Proof of non-profit status as appropriate.

(6) Assurances Non-Construction Programs.

(7) Certification Regarding Lobbying.

(8) Where appropriate, a completed SPOC certification with the date of SPOC contact entered in line 16, page 1 of the SF 424.

Applicants are reminded that the narrative portion of the application cannot exceed 25 double-spaced pages in a 12-pitch font with 1-½ inch margins at the top and 1 inch at the bottom and both sides and that attachments/Appendices to the application can not exceed 25 pages. Attachments and appendices should be used only to provide supporting documentation such as maps, administration charts, position descriptions, resumes, and letters of intent/agreement. Please do not include books or video tapes as they are not easily reproduced and are, therefore, inaccessible to the reviewers. Each page should be numbered sequentially.

GENERAL—The following guidelines are for preparing the budget and budget justification. Both Federal and non-Federal resources shall be detailed and justified in the budget and narrative justification. According to the instructions for completing the SF–424A and the preparation of the budget and budget justification, ''Federal resources'' refers only to the ACF/ORR grant for which you are applying. Non-Federal resources are all other Federal and non-Federal resources. It is suggested that budget amounts and computations be presented in a columnar format: first column, object class categories; second column, Federal budget; next column(s), non-Federal budget(s), and last column, total budget. The budget justification should be a narrative.

Personnel: Costs of employee salaries and wages. Justification—Identify the project director and for each staff person, provide the title, time commitment to the project (in months), time commitment to the project (as a percentage or full-time equivalent), annual salary, grant salary, wage rates, etc. Do not include the costs of consultants or personnel costs of delegate agencies.

Fringe Benefits: Costs of employee fringe benefits unless treated as part of approved indirect cost rate. Justification—Provide a breakdown of the amounts and percentages that comprise fringe benefit costs such as health insurance, FICA, retirement insurance, taxes, etc.

Travel: Costs of project-related travel by employees of the applicant organization (does not include costs of consultant travel). Justification—For each trip, show the total number of traveler(s), travel destination, duration of trip, per diem, mileage allowances, if privately owned vehicles will be used, and other transportation costs and subsistence allowances. Travel costs for key staff to attend ACF/ORR-sponsored meetings should be detailed in the budget.

Equipment: Costs of tangible, non-expendable, personal property, having a useful life of more than one year and an acquisition cost of $5,000 or more per unit.

Justification—For each type of equipment requested, provide a description of the equipment, the cost per unit, the number of units, the total cost, and a plan for use on the project, as well as use or disposal of the equipment after the project ends.

Supplies: Costs of all tangible personal property other than that included under the Equipment category.

Justification—Specify general categories of supplies and their costs. Show computations and provide other information which supports the amount requested.

Contractual: Costs of all contracts for services and goods except for those which belong under other categories such as equipment, supplies, etc. Contracts with secondary recipient organizations, including delegate agencies (if applicable), should be included under this category.

Justification—All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. If procurement competitions were held or if procurement without competition is being proposed, attach a list of proposed contractors, indicating the names of the organizations, the purposes of the contracts, the estimated dollar amounts, and the award selection process. Justify any anticipated procurement action that is expected to be awarded without competition and to exceed the simplified acquisition threshold fixed at 41 USC 403(11). Recipients might be required to make available to ACF pre-award review and procurement documents, such as requests for proposal or invitations for bids, independent cost estimates, etc.

Note: Whenever the applicant intends to delegate part of the project to another agency, the applicant must provide a detailed budget and budget narrative for each delegate agency, by agency title, along with the required supporting information referred to in these instructions.

Other: Enter the total of all other costs. Such costs, where applicable and appropriate, may include but are not limited to insurance, professional services costs, space and equipment rentals, printing and publication, computer use, training costs, such as tuition and stipends, staff development, and administrative costs.

Justification—Provide computations, a narrative description and a justification for each cost under this category.

Indirect Costs: This category should be used only when the applicant currently has an indirect cost rate approved by the Department of Health and Human Services or another cognizant Federal agency.

Justification—An applicant proposing to charge indirect costs to the grant must enclose a copy of the current rate

agreement. If the applicant organization is in the process of initially developing or renegotiating a rate, it should immediately upon notification that an award will be made, develop a tentative indirect cost rate proposal based on its most recently completed fiscal year in accordance with the principles set forth in the cognizant agency's guidelines for establishing indirect cost rates, and submit it to the cognizant agency. Applicants awaiting approval of their indirect cost proposals may also request indirect costs. It should be noted that when an indirect cost rate is requested, those costs included in the indirect cost pool should not also be charged as direct costs to the grant. Also, if the applicant is requesting a rate which is less than what is allowed under the agreement, the authorized representative of the applicant organization must submit a signed acknowledgement that the applicant is accepting a lower rate than allowed.

Program Income: The estimated amount of income, if any, expected to be generated from this project.

Justification—Describe the nature, source and anticipated use of program income in the budget or refer to the pages in the application which contain this information.

Non-Federal Resources: Amounts of non-Federal resources that will be used to support the project as identified in Block 15 of the SF–424.

Justification—The firm commitment of these resources must be documented and submitted with the application in order to be given credit in the review process.

E. Due Date for the Receipt of Applications

Deadlines: The closing date for submission of applications is 4:30 p.m. (EDT) on July 20, 1998. Mailed applications shall be considered as meeting the deadline if they are either received on or before the deadline date or sent on or before the deadline date and received by ORR in time for the independent review. Applications should be mailed to: Division of Community Resettlement, Office of Refugee Resettlement, 6th Floor East, Aerospace Building 370 L'Enfant Promenade, SW., Washington, DC 20447.

Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.

Applications hand carried by applicants, courier services, or by overnight/express mail couriers shall be considered as meeting the announced deadline if they are received on or before the deadline date, between the hours of 8 a.m. and 4:30 p.m., at the above stated address, between Monday and Friday (excluding Federal holidays). (Applicants are cautioned that express/overnight mail services may not always deliver as agreed. In addition, some non-postal service carriers will only deliver to ORR's street address which is 901 D Street SW. instead of 370 L'Enfant Promenade, SW.) ORR cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications transmitted to ORR electronically will not be accepted regardless of date or time of submission and time of receipt.

Late applications: Applications which do not meet the criteria above are considered late applications. ORR shall notify each late applicant that its application will not be considered.

Extension of deadlines: ORR may extend the deadline for all applicants because of acts of God such as floods, hurricanes, etc., or when there is a widespread disruption of the mails. However, if ORR does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicants. A determination to waive or extend deadline requirements rests with the Chief Grants Management Officer.

F. Paperwork Reduction Act of 1995 (Pub. L. 104–13)

All information collections within this Program Announcement are approved under the following currently valid OMB control numbers: 424, (0348–0043); 424A (0348–0044); 424B (0348–0040); Disclosure of Lobbying Activities (0348–0046); Uniform Project Description (0970–0139), Expiration date 10/31/2000. Financial Status Report (SF–269) (0348–0039) and ORR Program Performance Report (0970–0036).

Public reporting burden for this collection of information is estimated to average 80 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

G. Executive Order 12372—Notification Process

This program is covered under Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' and 45 CFR part 100, ''Intergovernmental Review of Department of Health and Human Services Programs and Activities.'' Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

All States and territories except Alabama, Alaska, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, Washington, American Samoa, and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these twenty-four jurisdictions need not take action regarding Executive Order 12372.

Applicants should contact their SPOC as soon as possible to alert them to the prospective application and to receive any necessary instructions. Applicants must submit any required material to the SPOC as early as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or date of contact if no submittal is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline to comment on proposed new or competing continuation awards.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations.

Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger the ''accommodate or explain'' rule.

When comments are submitted directly to the ORR, they should be addressed to: Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement, 6th Floor East, Aerospace Building, 370 Enfant Promenade, SW., Washington, DC 20447.

Reporting Requirements—Grantees are required to file the Financial Status Report (SF–269) semi-annually and Program Progress Reports on a quarterly basis.

Although ORR does not expect the proposed components/projects to include evaluation activities, it does expect grantees to maintain adequate records to track and report on expenditures by budget line item,

project outcomes and participant demographics information which may include but is not limited to: date of birth, sex, country of birth, date of entry, education, employment history, marital status and number of children.

The official receipt point for all reports and correspondence is the ORR Division of Community Resettlement. An original and one copy of each report shall be submitted within 30 days of the end of each reporting period directly to the Project Officer named in the award letter. The mailing address is: Division of Community Resettlement, Office of Refugee Resettlement, Sixth Floor East, Aerospace Building, 370 L'Enfant Promenade, SW., Washington, DC 20447.

A final Financial and Program Report shall be due 90 days after the budget expiration date or termination of grant support.

Dated: May 14, 1998.

Lavinia Limon,

Director, Office of Refugee Resettlement.

[FR Doc. 98–13434 Filed 5–19–98; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a list of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Proposed Project: Feasibility Study To Evaluate the Positive Activities Campaign—New—The Center for Substance Abuse Prevention is launching the Positive Activities Campaign, which is an initiative to encourage adults to become more involved in positive, skill-building activities with youth. The ultimate goal of the initiative is to reduce substance abuse among young people. To determine whether the effects from such a campaign can be evaluated, CSAP is proposing a feasibility study of PAC that consists of both a process and an outcomes evaluation. The evaluation will determine whether change can be measured in communities exposed to PAC, including change in adults' involvement with youth. Data for the process evaluation will come primarily from on-site interviews with key personnel, supported by focus groups with volunteers; data for the outcomes evaluation will be collected through a baseline and follow-up telephone survey of adults. The estimated annual burden hours are as follows:

Data collection instrument	Number of respondents	Hours per response	Total annual response burden
Baseline telephone survey of random sample of adults	1,800	0.20	360
Follow-up telephone survey of respondents from baseline survey	1,600	0.15	240
Interviews with local-level staff for process evaluation	240	2.00	480
Focus groups	120	1.50	270
Total			1,350

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Daniel Chenok, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: May 15, 1998.

Richard Kopanda,

Executive Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 98–13408 Filed 5–19–98; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4349–N–20]

Submission for OMB Review: Comment Request

AGENCY: Office of the Assistant Secretary for Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due date: June 19, 1998.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and/or OMB approval number and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–1305. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) the title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone

numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: May 13, 1998.

David S. Cristy,

Director, IRM Policy and Management Division.

Title of Proposal: Campus of Learners Semi-Annual Report.

Office: Public and Indian Housing.

OMB Approval Number: 2577–xxxx.

Description of the Need for the Information and its Proposed Use: Participating PHAs will provide HUD with information on the number of families included in the Campus of Learners Program, Federal dollars supporting the Program, number of residents in classes/training and other opportunities made available to residents. The information will enable HUD to insure that Federal dollars are spent according to that PHA's Strategic Plan.

Form Number: 52350.

Respondents: State, Local, or Tribal Government.

Frequency of Submission: Semi-Annually.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Semi-Annually	25		2		36		1,800

Total Estimated Burden Hours: 1,800.

Status: New.

Contact: Beverly Hardy, HUD, (202) 708–4214; Joseph F. Lackey, Jr., OMB, (202) 395–7316.

Dated: May 13, 1998.

[FR Doc. 98–13371 Filed 5–19–98; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4369–N–02]

Announcement of OMB Approval Number for Disaster Recovery Grant Reporting (DRGR) Data System

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of OMB approval number.

SUMMARY: The purpose of this notice is to announce the OMB approval number for the collection of information pertaining to the Disaster Recovery Grant Reporting (DRGR) data system.

FOR FURTHER INFORMATION CONTACT: Mr. Jan Opper, Department of Housing and Urban Development, Room 7286, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–3587. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), this notice advises that OMB has responded to the Department's request for approval of the information collection pertaining to the Disaster Recovery Grant Reporting (DRGR) data system. The OMB approval number for this information collection is 2506–0165, which expires on May 31, 2001.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number.

Dated: May 14, 1998.

Kenneth C. Williams,

Deputy Assistant Secretary for Grant Programs.

[FR Doc. 98–13372 Filed 5–19–98; 8:45 am]

BILLING CODE 4210–29–M

INTER-AMERICAN FOUNDATION BOARD MEETING

Sunshine Act Meeting

TIME AND DATE: June 8, 1998, 11:30 a.m.—3:30 p.m.

PLACE: 901 N. Stuart Street, Tenth Floor, Arlington, Virginia 22203.

MATTERS TO BE CONSIDERED:

1. Approval of the Minutes of the February 9, 1998, Meeting of the Board of Directors.
2. Report on Grants in Ecuador.
3. Proposal on Future of In-Country Service Contracts.
4. Report on Congressional Affairs.
5. Report by the Board Audit Committee.

CONTACT PERSON FOR MORE INFORMATION: Adolfo A. Franco, Secretary to the Board of Directors, (703) 841–3894.

Dated: May 8, 1998.

Adolfo A. Franco,

Sunshine Act Officer.

[FR Doc. 98–13574 Filed 5–18–98; 11:56 am]

BILLING CODE 7025–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

Applicant: University of Pittsburgh, Titusville, PA, PRT–842323.

The applicant requests a permit to import blood and vaginal samples from Mantled howler monkey (*Alouatta palliata*) collected at Ometepe Field Station, Ometepe, Nicaragua, to enhance the survival of the species through scientific research.

Applicant: National Zoological Park, Washington, D.C., PRT–842435.

The applicant requests a permit to export blood samples from captive-hatched ne-ne geese (*Nesochen sandvicensis*) to the United Kingdom for the purpose of scientific research.

Applicant: White Oak Conservation Center, Yulee, FL, PRT–842418.

The applicant requests a permit to export blood samples from black rhinoceros (*Diceros bicornis minor*) to the United Kingdom for the purpose of scientific research.

Applicant: Shannon E. Binns, University of Ottawa, Canada, PRT–842518.

The applicant requests a permit to take and export whole plants and parts of purple coneflower (*Echinacea tennesseensis* and *E. laevigata*) to Canada for the purpose of scientific research.

Applicant: U.S. Department of Agriculture, ARS North Central Regional Plant Intro. Station, Ames, IA, PRT–842520.

The applicant requests a permit to export seeds of purple coneflower (*Echinacea tennesseensis* and *E. laevigata*) to Canada for the purpose of scientific research.

Applicant: Department of Anthropology, City University of New York, New York, NY, PRT–810330

The applicant requests an amendment to this permit to include the import of shed hair samples from gorillas (*Gorilla gorilla*) collected in Nigeria, for scientific research.

Applicant: Wayne P. Steffens, Superior, WI, PRT–842124.

The applicant requests a permit to import and export specimens of Hine's emerald dragonfly (*Somatochlora hineana*) to and from Canada, including salvaged specimens and voucher specimens associated with population surveys for the purposes of scientific research.

Applicant: The Peregrine Fund, Boise, Idaho, PRT–842855.

The applicant request a permit to export captive-born Aplomado falcons (*Falco femoralis septentrionalis*) to Mexico for release as part of the recovery program for this species. This notice covers activities conducted by the applicant over a five year period.

Applicant: H & L Sales Company, Patio Ranch, San Antonio, TX, PRT 704025.

The applicant requests renewal of a permit to authorize interstate and foreign commerce, export, and cull of excess male barasingha (*Cervus duvauceli*) from their captive herd for the purpose of enhancement of survival of the species. This notice shall cover a period of three years. Permittee must apply for renewal annually.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

The public is invited to comment on the following application for a permit to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) and the regulations governing marine mammals (50 CFR 18).

Applicant: Mark Cary Connor, Decatur, IL, PRT–842222.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the McClintock Channel polar bear population, Northwest Territories, Canada for personal use.

Applicant: Ken D. Semelsberger, Strongsville, OH, 842192.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Western Hudson Bay polar bear population, Northwest Territories, Canada for personal use.

Applicant: Kenneth J. Semelsberger, Strongsville, OH, 842191.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Western Hudson Bay polar bear population, Northwest Territories, Canada for personal use.

Applicant: Obert L. Haines, Alamosa, CO, PRT–842521.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted prior to April 30, 1994, from the Lancaster Sound polar bear population, Northwest Territories, Canada for personal use.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act*, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: May 14, 1998.

MaryEllen Amtower,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 98–13338 Filed 5–19–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Application

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications.

The following applicant has applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*).

Applicant: Davey Resource Group, Davey Tree Expert Company, Kent, Ohio; Michael D. Johnson, Vertebrate Zoologist.

The applicant requests a permit to take (capture and release) Indiana bat (*Myotis sodalis*) in the state of Ohio. Activities are proposed for the purpose of presence/absence studies aimed at enhancement and survival of the species in the wild.

Written data or comments should be submitted to the Regional Director, U.S. Fish and Wildlife Service, Ecological Services Operations, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056, and must be received on or before June 19, 1998.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Ecological Services Operations, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056. Telephone: (612/713–5332); FAX: (612/713–5292).

Dated: May 13, 1998.

Matthias A. Kerschbaum,

Acting Assistant Regional Director, IL, IN, MO (Ecological Services), Region 3, Fort Snelling, Minnesota.

[FR Doc. 98–13362 Filed 5–19–98; 8:45 am]

BILLING CODE 4310–55–P

U.S. DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Issuance of Permit for Marine Mammals

On February 20, 1998, a notice was published in the **Federal Register**, Vol. 63, No. 34, Page 8658, that an application had been filed with the Fish and Wildlife Service by John Abercrombie, Las Vegas, NV, for a permit (PRT–839323) to import a sport-hunted polar bear (*Ursus maritimus*) trophy taken from the Southern Beaufort Sea population, Northwest Territories, Canada, for personal use.

Notice is hereby given that on April 16, 1998, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On February 20, 1998, a notice was published in the **Federal Register**, Vol. 63, No. 34, Page 8658, that an application had been filed with the Fish and Wildlife Service by Wallace D. Gott, Upland, CA, for a permit (PRT–839315) to import a sport-hunted polar bear (*Ursus maritimus*) trophy, taken prior to April 30, 1994, from the Northern Beaufort Sea population, Northwest Territories, Canada, for personal use.

Notice is hereby given that on April 16, 1998, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On March 13, 1998, a notice was published in the **Federal Register**, Vol. 63, No. 49, Page 12498, that an application had been filed with the Fish and Wildlife Service by Edwin E. Smith, Houston, TX, for a permit (PRT–838493) to import a sport-hunted polar bear (*Ursus maritimus*) trophy, taken prior to April 30, 1994, from the Lancaster Sound population, Northwest Territories, Canada, for personal use.

Notice is hereby given that on April 27, 1998, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On March 13, 1998, a notice was published in the **Federal Register**, Vol. 63, No. 49, Page 12498, that an application had been filed with the Fish and Wildlife Service by Dan L. Duncan, Houston, TX, for a permit (PRT–838492) to import a sport-hunted polar bear (*Ursus maritimus*) trophy, taken prior to April 30, 1994, from the Lancaster Sound population, Northwest Territories, Canada, for personal use.

Notice is hereby given that on April 27, 1998, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

Documents and other information submitted for these applications are available for review by any party who submits a written request to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Rm 700, Arlington, Virginia 22203. Phone (703) 358–2104 or Fax (703) 358–2281.

Dated: May 14, 1998.

MaryEllen Amtower,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 98–13337 Filed 5–19–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Aquatic Nuisance Species Task Force Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces the organizing meeting of the Ballast Water and Shipping Committee of the Aquatic Nuisance Species Task Force. Topics to be addressed during the meeting are identified.

DATES: The Ballast Water and Shipping Committee will meet from 10 a.m. to 3 p.m. on Thursday, May 28, 1998.

ADDRESSES: the meeting will be held in the first floor conference room at the Northeast-Midwest Institute, 218 D Street, SE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: LT Lawrence Greene, Ph.D., Committee Chair, U.S. Coast Guard at 202–267–0500, or Bob Peoples, Executive Secretary, Aquatic Nuisance Species Task Force, at 703–358–2025.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, this notice announces a meeting of the Ballast Water and Shipping Committee of the Aquatic Nuisance Species Task Force. The Task Force was established by the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990.

During the meeting, there will be an in-depth discussion of the Notice of Proposed Rule Making regarding implementation of the National Invasive Species Act of 1996 published by the U.S. Coast Guard in the **Federal Register** on April 10, 1998 (63 FR 17782). The notice addresses national voluntary ballast water management guidelines, requirements for reporting ballast water exchange, and modifications of Great Lakes and Hudson River ballast water management regulations. The meeting will conclude with a discussion of future activities and tasks of the Committee and tasks to be undertaken by individual members.

Minutes of the meeting will be maintained by the Executive Secretary, Aquatic Nuisance Species Task Force, Suite 851, 4401 North Fairfax Drive, Arlington, Virginia 22203–1622, and the Chair, Ballast Water and Shipping Committee, Plans and Preparedness Division, Office of Response, U.S. Coast Guard (G–MOR–2), 2100 Second Street, SW., Washington, DC 20593–0001, and will be available for public inspection during regular business hours, Monday through Friday, within 30 days following the meeting.

Dated: May 14, 1998.

Gary Edwards,

Co-Chair, Aquatic Nuisance Species Task Force, Assistant Director—Fisheries.

[FR Doc. 98–13390 Filed 5–19–98; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–920–08–1320–01; WYW136142]

Competitive Coal Lease Sale; Powder River Tract; WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that certain coal resources in the Powder River Tract, described below, in Campbell County, Wyoming, will be offered for competitive lease by sealed bid in accordance with the provisions of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 *et seq.*).

DATES: The lease sale will be held at 2 p.m., on Tuesday, June 30, 1998. Sealed bids must be submitted on or before 4 p.m., on Monday, June 29, 1998.

ADDRESSES: The lease sale will be held in the First Floor Conference Room (Room 107) of the Wyoming State Office, 5353 Yellowstone Road, P.O. Box 1828, Cheyenne, Wyoming 82003. Sealed bids must be submitted to the Cashier, Wyoming State Office, at the address given above.

FOR FURTHER INFORMATION CONTACT: Mavis Love, Land Law Examiner, or Melvin Schlagel, Coal Coordinator, at 307–775–6258 and 307–775–6257, respectively.

SUPPLEMENTARY INFORMATION: This coal lease sale is being held in response to a lease by application (LBA) filed by Powder River Coal Company of Gillette, Wyoming. The coal resources to be offered consist of all reserves recoverable by surface mining methods in the following-described lands located in Campbell County approximately 48 miles south-southeast of Gillette, Wyoming, and about 7 miles east of State Highway 59 just south of Piney Canyon Road:

T. 41 N., R. 70 W., 6th P.M., Wyoming
Sec. 6: Lots 10 thru 13, 18 thru 21;
Sec. 7: Lots 6, 11, 14, and 19;
Sec. 18: Lots 5, 12, 13, and 20;
Sec. 19: Lots 5, 12 (N2);
Sec. 20: Lots 1 thru 4, 5 (N2), 6 (N2), 7 (N2), 8 (N2);
Sec. 21: Lots 4, 5 (N2);
T. 42 N., R. 70 W., 6th P.M., Wyoming
Sec. 31: Lots 5 thru 20;
Sec. 32: Lots 1 thru 16;
Sec. 33: Lots 1 thru 16;
Sec. 34: Lots 1 thru 16;
Sec. 35: Lots 1 thru 16.

Containing 4224.225 acres.

The tract is adjacent to the North Antelope and Rochelle mines operated by Powder River Coal Company. It contains surface minable coal reserves

in the Wyodak seam currently being recovered in the adjacent, existing mines. The Wyodak seam averages about 74 feet thick and is the primary recoverable coal seam on the tract. The seam splits roughly in two in the far southwestern portion of the LBA and a thin split off the bottom occurs in the eastern portion. There are no coal outcrops on the tract.

The overburden above the main seam ranges from about 200–300 feet thick on the LBA. The total in-place stripping ratio (BCY/Ton) of the coal is 3.0:1.

The tract contains an estimated 532 million tons of minable coal. This estimate of minable reserves includes the two splits mentioned above but does not include any tonnage from localized seams or splits containing less than 5 feet of coal.

The coal is ranked as subbituminous C. The overall average quality is 8742 Btu/lb, 27.93% moisture, 4.21% ash, 0.18% sulfur, and 1.84% sodium in ash. These quality averages place the coal reserves near the high end of the range of coal quality currently being mined in the southern Powder River Basin south of Wright, Wyoming.

There are several oil and gas wells on the tract. The estimate of the bonus value of the coal lease will include consideration of the future oil and gas production from these wells. An economic analysis of this future income stream will determine whether a well is bought out and plugged prior to mining or re-established after mining is completed. Other costs considered will include moving or removing roads, pipelines, and surface facilities.

The tract in this lease offering contains split estate lands. There are qualified surface owners as defined in the regulations at 43 CFR 3400.0–5. Consent granted by the qualified surface owners has been filed with and verified by the Bureau of Land Management. The lands and purchase price of the consent are shown below:

T. 41 N., R. 70 W., 6th P.M., Wyoming
Sec. 19: Lots 5, 12 (N2).

Containing 60.115 acres.

Purchase Price: $10.00 and an overriding royalty of three percent (3%) of the gross realization of all coal mined and sold from the subject property.

The tract will be leased to the qualified bidder of the highest cash amount provided that the high bid equals the fair market value of the tract. The minimum bid for the tract is $100 per acre or fraction thereof. No bid that is less than $100 per acre, or fraction thereof, will be considered. The bids should be sent by certified mail, return receipt requested, or be hand delivered. The Cashier will issue a receipt for each hand-delivered bid. Bids received after 4 p.m., on Monday, June 29, 1998, will not be considered. The minimum bid is not intended to represent fair market value. The fair market value of the tract will be determined by the Authorized Officer after the sale.

If identical high bids are received, the tying high bidders will be requested to submit follow-up sealed bids until a high bid is received. All tie-breaking sealed bids must be submitted within 15 minutes following the Sale Official's announcement at the sale that identical high bids have been received.

The lease issued as a result of this offering will provide for payment of an annual rental of $3.00 per acre, or fraction thereof, and of a royalty payment to the United States of 12.5 percent of the value of coal produced by strip or augur mining methods and 8 percent of the value of the coal produced by underground mining methods. The value of the coal will be determined in accordance with 30 CFR 206.250.

Bidding instructions for the tract offered and the terms and conditions of the proposed coal lease are available from the Wyoming State Office at the addresses above. Case file documents, WYW136142, are available for inspection at the Wyoming State Office.

Michael Madrid,

Acting Deputy State Director.

[FR Doc. 98–12953 Filed 5–19–98; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items in the Possession of the Denver Museum of Natural History, Denver, CO

AGENCY: National Park Service

ACTION: Notice

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 43 CFR 10.10 (a)(3), of the intent to repatriate cultural items in the possession of the Denver Museum of Natural History (DMNH) which meet the definition of ''sacred objects'' and ''objects of cultural patrimony'' under Section 2 of the Act.

The 164 cultural items consist of 25 Hopi spirit friends or Katsina masks and 31 mask attachments; 59 pahos and prayer feathers; one paho holder; three altar figures from Walpi; five Katsina Society dance items from Walpi; 21 Mazrau Society dance items from Shungopavi; nine Katsina Society dance items from Shungopavi; four Snake Society dance items from Shungopavi; two Katsina Society dance items from Oraivi; one Mazrau Society dance item from Oraivi; one Snake Society medicine pouch from Shungopavi; one Snake Society medicine bundle from Shungopavi; and one Mazrau Society ceremonial canteen from Shungopavi.

In 1973, the three altar figures from Walpi were donated to the DMNH by donors whose names are withheld at the DMNH's request. In 1981, three of the pahos were donated to the DMNH by a donor whose name is withheld at the DMNH's request. Between 1968–1983, the remaining 158 cultural items were donated to the DMNH by Dr. and Mrs. Frances Crane, who had acquired the items from at least 12 different sources, including collectors, gift shops, and dealers.

DMNH accession, catalogue, and computer records indicate these 164 cultural items are of Hopi origin from Hopi villages in northern Arizona. Extensive consultations with representatives of the Hopi Tribe and Hopi traditional religious leaders confirm the Hopi identity of these cultural items. Representatives of the Hopi Tribe and Hopi traditional religious leaders have stated that these 164 cultural items are needed by traditional Hopi religious leaders for the practice of traditional Native American religion by their present-day adherents; and that these items also have on-going historical, traditiona, and cultural importance central to the culture itself and could not have been alientated by any individual.

Based on the above-mentioned information, officials of the Denver Museum of Natural History have determined that, pursuant to 43 CFR 10.2 (d)(3), these 164 cultural items are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents. Officials of the Denver Museum of Natural History have determined that, pursuant to 43 CFR 10.2 (d)(4), these 164 cultural items have ongoing historical, traditional, and cultural importance central to the tribe itself, and could not have been alienated, appropriated, or conveyed by any individual. Officials of the Denver Museum of Natural History have also determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these items and the Hopi Tribe.

This notice has been sent to officials of the Hopi Tribe. Representatives of

any other Indian tribe that believes itself to be culturally affiliated with these objects should contact Dr. Robert Pickering, Chairman of the Anthropology Department, Denver Museum of Natural History, 2001 Colorado Blvd., Denver, CO 80205; telephone (303) 370–6388 before June 19, 1998. Repatriation of these objects to the Hopi Tribe may begin after that date if no additional claimants come forward.

Dated: May 14, 1998.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 98–13397 Filed 5–19–98; 8:45 am]

BILLING CODE 4310–70–F

INTERNATIONAL TRADE COMMISSION

Ferrosilicon From Brazil, China, Kazakstan, Russia, Ukraine, and Venezuela

AGENCY: United States International Trade Commission (Commission).

ACTION: Request for comments regarding the institution of section 751(b) review investigations concerning the Commission's affirmative determinations in the following investigations:

Country	Action taken by the Commission			Action taken by the Dept. of Commerce		
	Investigation No.	Date of determination	Federal Register citation	Order No.	Date of order	Federal Register citation
Brazil	731–TA–641	01/24/94	59 FR 10165	A–351–820	03/14/94	59 FR 11769
China	731–TA–567	03/04/93	58 FR 13503	A–570–819	03/11/93	58 FR 13448
Kazakstan	731–TA–566	03/23/93	58 FR 16847	A–843–804	04/07/93	58 FR 18079
Russia	731–TA–568	06/16/93	58 FR 34064	A–821–804	06/24/93	58 FR 34243
Ukraine	731–TA–569	03/23/93	58 FR 16847	A–823–804	04/07/93	58 FR 18079
Venezuela	303–TA–23	06/16/93	58 FR 34064	C–307–808	05/10/93	58 FR 27539
	731–TA–570	06/16/93	58 FR 34064	A–307–807	06/24/93	58 FR 34243

SUMMARY: The Commission invites comments from the public on whether changed circumstances exist sufficient to warrant the institution of investigations pursuant to section 751(b) of the Tariff Act of 1930 (the Act),[1] to review the affirmative determinations of the Commission in the above investigations. The purpose of the proposed review investigations is to determine whether revocation of the existing countervailing duty order on imports of ferrosilicon from Venezuela and the antidumping orders on imports of ferrosilicon from Brazil, China, Kazakstan, Russia, Ukraine, and Venezuela, is likely to lead to continuation or recurrence of material injury.[2] Ferrosilicon is provided for in subheadings 7202.21.10, 7202.21.50, 7202.21.75, 7202.21.90, and 7202.29.00, of the Harmonized Tariff Schedule of the United States.

FOR FURTHER INFORMATION CONTACT: Fred Fischer (202–205–3179) or Vera Libeau (202–205–3176), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server at http://www.usitc.gov.

SUPPLEMENTARY INFORMATION:

Background

On April 24, 1998, the Commission received a request to review its affirmative determination, as it applied to imports from Brazil (the request), in the light of changed circumstances, pursuant to section 751(b) of the Act.[3] The request was filed by counsel on behalf of Associação Brasileira dos Productores de Ferroligas e de Silicio Metalico (ABRAFE), Companhia Brasileira Carbureto de Calcio (CBCC), Companhia de Ferroligas de Bahia (FERBASA), Nova Era Silicon S/A, Italmagnesio S/A-Industria e Comercio, Rima Industrial S/A, and Companhia Ferroligas Minas Gerais (Minasligas).

The alleged changed circumstances include: (1) The revelation of a nationwide ferrosilicon price-fixing conspiracy maintained by major U.S. ferrosilicon producers from at least as early as late 1989 to at least mid-1991. Following criminal price-fixing investigations by the Antitrust Division of the U.S. Department of Justice, Elkem Metals Co. and American Alloys pleaded guilty in 1995 and 1996, respectively, to conspiring to fix prices of commodity ferrosilicon products. SKW Metals & Alloys Inc. and its executive vice-president were found guilty in 1997 of conspiring to fix prices of commodity ferrosilicon products, and; (2) the consequential invalidation of the Commission's determination of material injury that was based upon improper and distorted price data.

Because the alleged changed circumstances predominantly relate to the domestic industry and are not limited to imports from Brazil, submissions should also address the possibility of the Commission self-initiating reviews of the outstanding orders on China, Kazakstan, Russia, Ukraine, and Venezuela.

Written Comments Requested

Pursuant to § 207.45(b) of the Commission's rules of practice and procedure,[4] the Commission requests comments concerning whether the alleged changed circumstances are sufficient to warrant institution of review investigations.

Written Submissions

In accordance with 201.8 of the Commission's rules,[5] the signed original and 14 copies of all written submissions must be filed with the Secretary to the Commission, 500 E Street, SW, Washington, DC 20436. All comments must be filed no later than June 19, 1998, which is at least 30 days after the date of publication of this notice in the

[1] 19 U.S.C. 1675(b).

[2] 19 U.S.C. 1675(b)(2)(A).

[3] 19 U.S.C. 1675(b).

[4] 19 CFR 207.45(b).

[5] 19 CFR 201.8.

Federal Register. The Commission's determination regarding initiation of review investigations is due within 30 days of the close of the comment period. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request business confidential treatment under § 201.6 of the Commission's rules.[6] Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Each sheet must be clearly marked at the top ''Confidential Business Information.'' The Commission will either accept the submission in confidence or return it. All nonconfidential written submissions will be available for public inspection in the Office of the Secretary.

Copies of the non-confidential version of the request and any other documents in this matter are available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission; telephone 202–205–2000.

Issued: May 12, 1998.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 98–13426 Filed 5–19–98; 8:45 am]

BILLING CODE 7020–02–P

[6] 19 CFR 201.6.

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–34,214 and NAFTA–02157]

Fort James Corp., Towel and Tissue Division, Ashland, WI; Negative Determination Regarding Application for Reconsideration

By application dated March 27, 1998, the United Paperworkers International Union (UPIU) Local 1104 requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA) and NAFTA-Transitional Adjustment Assistance (NAFTA–TAA), applicable to workers and former workers of the subject firm. The denial notices were signed on March 11, 1998. The TAA and NAFTA–TAA decisions were published in the **Federal Register** on April 3, 1998, (63 FR 16574) and (63 FR 16575), respectively.

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The negative TAA determination issued by the Department was based on the binding that the ''contributed importantly'' test of the worker group eligibility requirements of section 222 of the Trade Act of 1974 was not met for workers of Fort James Corporation, Ashland, Wisconsin producing commercial napkins. The ''contributed importantly'' test is generally demonstrated through a survey of the workers' firm's customers. The Department of Labor surveyed the major declining customers of the subject firm regarding their purchases of commercial napkins. None of the respondents reported import purchases of commercial napkins in 1996, 1997 or in January 1998.

The subject firm workers were denied eligibility to apply for NAFTA–TAA based on the finding that criteria (3) and (4) of the group eligibility requirements of paragraph (a)(1) of section 250 of the Trade Act of 1974, as amended, were not met. There was no shift in production of commercial napkins from the subject firm to Mexico or Canada, nor were there company or customer imports of like or directly competitive products from Mexico or Canada.

The UPIU Local 1104 asserts that some of the machinery at the Ashland mill is scheduled for delivery to China and Europe by the end of summer 1998. The shipment or sale of production equipment to foreign countries is not a basis for a worker group certification under the Trade Act of 1974.

The UPIU Local 1104 provided import statistics for tablecloths and table napkins made of paper for 1997. this information does not substantiate import impact for workers of Fort James Corporation. There must be company or customer increases of imports of articles like or directly competitive with those produced by workers at the subject firm.

The UPIU Local 1104 asserts that during the petition investigation, the customer list provided by the company did not include all of the Fort James Corporation Ashland customers. The customer list requested by the Department and provided by company officials accounted for Ashland's major declining customers.

Finally, the UPIU Local 1104 asserts that prices for market pulp and paperboard has increased, thereby affecting company cost to compete for materials used in the production of commercial napkins. Price of raw materials to produce a product is not a basis for a worker group certification under the Trade Act of 1974.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 4th day of May 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–13419 Filed 5–19–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of April, 1998.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separation, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–34,104; Sunbeam Corp., Murfreesboro, TN

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

TA–W–34,461; ARC USA, Pauls Valley, OK

TA–W–34,193; Kat-Em International, A Division of Concord Fabrics Inc., Los Angeles, CA

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–34,318; Streamline Fashions Mfg., Inc., Philipsburg, PA

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–34,223; Geneva Steel, Provo, UT

the investigation revealed that criteria (2) and criteria (3) have not been met. Sales or production did not decline during the relevant period as required for certification. Increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have not contributed importantly to the separations or threat thereof, and the absolute decline in sales or production.

TA–W–34,481; Renfro Corp., Barber Plant, Mt. Airy, NC

Renfro Corp. Officials made a decision to close it's Barber plant and transfer all production to another domestic plant.

Affirmative Determinations for Worker Adjustment Assistance

TA–W–34,376; Beam Corp., A Div. Of Deena Corp., Tolleson, AZ: March 19, 1997.

TA–W–34,359; Canaan Fashions, Brooklyn, NY: March 11, 1997.

TA–W–34,388; Georgia-Pacific Corp., Building Products Div., Oriented Strand Board Mill, Woodland, MR: March 18, 1997.

TA–W–34,385; Delphi Automotive Systems, Delphi Interior and Lighting, Brea Operations, Brea, CA: March 17, 1997.

TA–W–34,265; H.H. Cutler Co., Grand Rapids, MI: February 4, 1997.

TA–W–34,378 & A; Newel Co., Acme Frame—a/k/a Intercraft, Mundelein, IL and Waukegan, IL: March 5, 1997.

TA–W–34,352; Wintron, Bellefonte, PA: March 11, 1997.

TA–W–34,412; Hit Apparel, Inc., Athens, TN: March 18, 1997.

TA–W–34,438; A.D.H. Mfg Corp., Farner, TN: March 31, 1997.

TA–W–34,444; Covington Industries, Inc., Opp, Al and Operating at the Following Locations: A; Samson Plant, Samson, AL, B; Florala Plant, Florala, AL, C; Kinston Plant, Kinston, AL, D: Opp Distribution, Opp, AL, E: Opp Sewing, Opp, AL: March 13, 1997.

TA–W–34,448; IBP, Inc., Luverne, MN: March 18, 1997.

TA–W–34,413; Babcock & Wilcox Co., Paris, TX: March 26, 1997.

TA–W–34,259; Cleveland Kniting Mills, Cleveland, OH: February 9,

TA–W–34,395; Henry I. Siegel Co., Inc., Chic by H.I.S. Div., Monticello, KY: March 24, 1997.

TA–W–34,382; Decora Mongomery City, MO: March 12, 1997.

TA–W–34,251; Donna Maria's Sewing, Inc., Ripley, WV: February 4, 1997.

TA–W–34,381; Cannon County Knitting Mills, Smithville, TN: March 13, 1997.

TA–W–34,404; Henry I. Siegel, Chic By H.I.S. Div., Saltillo, TN: March 17, 1997.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of April, 1998.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely.

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA–TAA–02231; Spirax Sarco, Inc., Allentown, PA

NAFTA–TAA–02309; Harry G. Kramer, III, Pittsburg, PA

NAFTA–TAA–02247; Streamline Fashions Mfg., Inc., Philipsburg, PA

The investigation revealed that the criteria for eligibility have not been met for the reasons specified.

NAFTA–TAA–02282; Georgia-Pacific Corp., Distribution Facility, Eugene, OR

NAFTA–TAA–02338; Johnson Wholesale, Punta Gorda, FL

NAFTA–TAA–02308; Southport Aviation, d/b/a/ Million Air Kansas City, Kansas City, MO

The investigation revealed that the workers of the subject firm did not produce an article within the meaning of Section 250(a) of the Trade Act, as amended.

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–02322; American Powder Coatings, Inc., El Paso, TX: March 31, 1997.

NAFTA–TAA–02343; Russell Corp., Milton, FL: March 26, 1997.

NAFTA–TAA–02188; Donna Maria's Sewing, Inc., Ripley, WV: February 11, 1997.

NAFTA–TAA–02284; IBP, Inc., Luverne, MN: March 18, 1997.

NAFTA–TAA–02271; Cannon County Knitting Mills, Smithville, TN: March 13, 1997.

NAFTA–TAA–02288; Henry I. Siegel Co., Chic By H.I.S. Div., Monticello, KY: March 24, 1997.

NAFTA–TAA–02273 & A,B,C; Henry I. Siegel Co., Inc., Chic By H.I.S. Div., Saltillo, TN, Gleason, TN, Trezevant, TN and South Fulton, TN: March 17, 1997.

NAFTA–TAA–02306; Covington Industries, Inc., Opp, AL, and

Operating at the Following Locations: A; Samson Plant, Samson, AL, B; Florala Plant, Florala, AL, C; Kinston Plant, Kinston, AL, D; Opp Distribution Plant, Opp, AL, E; Opp Sewing Plant, Opp, AL: March 13, 1997.

NAFTA–TAA–02265; Beam Corp., Div. of Deena, Inc., Tolleson, AZ: March 19, 1997.

NAFTA–TAA–02279; Hit Apparel, Inc., Athens, TN: March 18, 1997.

NAFTA–TAA–02324; A.D.H. Mfg. Corp., Farner, TN: March 31, 1997.

NAFTA–TAA–02252; Briggs Industries, Somerset, PA: March 6, 1997.

I hereby certify that the aforementioned determinations were issued during the month of April 1998. Copies of these determinations are available for inspection in Room C–4318, U.S. Department of Labor, 200 Connstitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: May 5, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–13416 Filed 5–19–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–34,204]

Pride Companies, L.P., Abilene, Texas; Negative Determination Regarding Application for Reconsideration

By application postmarked April 14, 1998, one of the petitioners requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on March 20, 1998, and published in the **Federal Register** on April 3, 1998 (63 FR 16574).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The investigation findings for the March 20 denial of TAA for workers of Pride Companies, L.P., Abilene, Texas producing refined petroleum products showed that criteria (1) and (2) of the group eligibility requirements of section 222 of the Trade Act were met; employment, sales and production decreased in January through September 1997 compared with the same time period of the previous year. However, the ''contributed importantly'' requirement of criterion (3) of section 222 was not met. The ''contributed importantly'' test is generally demonstrated through a survey of the workers' firm's customers. A survey conducted by the Department regarding the subject firm's loss of a portion of a competitive bid for military jet fuel in February 1997 revealed that the remainder was awarded to domestic suppliers, with the exception of a very small percentage of the solicitation awarded to a foreign source.

The petitioner asserts that layoffs at the Abilene refinery were the result of increased company purchases of imported products supplied by the Texaco Trading and Transportation Inc. terminal in the Houston ship channel area. The petitioner adds that Texaco Trading and Transportation purchases refined products on the open market from various refineries and distribution terminals.

The investigation findings showed that Pride Companies, L.P. did not purchase any refined petroleum products from Texaco or any foreign sources during the time period relevant to the petition investigation. Information obtained during the investigation shows that Texaco Trading and Transportation Inc. will supply refined petroleum products to Pride, but not until the completion of the conversion of the Abilene refinery to a products and crude oil terminal. Information in Departmental trade adjustment assistance files shows that the primary functions of Texaco Trading and Transportation, Inc. are marketing of domestic crude oil, and transportation of crude oil and products by pipeline and truck.

With respect to the petitioners assertion that U.S. domestic production of refined petroleum is at a maximum and cannot meet demand, U.S. imports of these products declined absolutely and relative to domestic shipment from 1996 to 1997.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 4th day of May 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–13418 Filed 5–19–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–34,199]

Sangamon, Inc., Taylorville, Illinois; Revised Determination on Reconsideration

In response to a letter of March 26, 1998, from the United Paperworkers International Union (UPIU) Local 637, requesting administrative reconsideration of the Department's denial of TAA for workers of the subject firm, the Department reopened its investigation for the former workers of Sangamon, Incorporated.

The initial investigation resulted in a negative determination issued on March 6, 1998, because the ''contributed importantly'' test of the Group Eligibility Requirements of the Trade Act was not met for workers at the subject firm producing everyday and seasonal greeting cards. The denial notice was published in the **Federal Register** on April 3, 1998 (63 FR 16,574).

On reconsideration, the Department conducted further survey analysis of the major declining customer of Sangamon, Incorporated. New survey information shows that the major declining customer has indirect import purchases of greeting cards while reducing purchases from the subject firm.

Statistics on greeting cards show aggregate U.S. imports increased in both quantity and value in 1996 and 1997.

Conclusion

After careful consideration of the new facts obtained on reopening, it is concluded that increased imports of articles like or directly competitive with greeting cards produced by the subject firm contributed importantly to the decline in sales and to the total or partial separation of workers of the subject firm. In accordance with the provisions of the Trade Act of 1974, I

make the following revised determination:

All workers of Sangamon, Incorporated, Taylorville, Illinois, who became totally or partially separated from employment on or after January 22, 1997 through two years from the date of certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC, this 5th day of May 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–13415 Filed 5–19–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

ETA–5130 Benefit Appeals Report; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the proposed extension collection of the ETA–5130 Benefit Appeals Report. A copy of the proposed information collection request can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before July 20, 1998. The Department of Labor is particularly interested in comments which:

- evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility, and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Jack Bright, Unemployment Insurance Service, Employment and training Administration, U.S. Department of Labor, Room S–4516, 200 Constitution Avenue, NW., Washington, DC 20210, telephone number (202) 219–5340, ext. 177 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The ETA–5130, Benefit Appeals Report, contains information on the number of unemployment insurance appeals and the resultant decisions classified by program, appeals level, cases filed and disposed of (workflow), and decisions by level, appellant and issue. The data on this report is used by both the Regional and National Office Unemployment Insurance staff to monitor the benefit appeals process in the State Employment Security Agencies (SESAs) and to develop any needed plans for remedial action. The data is also needed for workload budgeting and to determine administrative funding. If this information were not available, developing problems might not be discovered early enough to prevent the solutions from being extremely time consuming and costly.

II. Current Actions

Continued collection of the ETA–5130 data will provide for continuous monitoring of the SESAs appellate processes and needed data for the budgeting and administrative funding activities. The data is collected monthly so that developing backlogs of undecided appeals can be detected as early as possible.

Type of Review: Extension.
Agency: Employment and Training Administration.
Title: Benefit Appeals Report.
OMB Number: 1205–0172.
Agency Number: ETA–9016.
Affected Public: State Governments.
Cite/Reference/Form: ETA 5130.
Total Respondents: 53.
Frequency: Monthly.
Total Responses: 636.
Average Time per Response: 2.5 hours.
Estimated Total Burden Hours: 1620 hours.
Total Burden Cost (capital/startup): 0.
Total Burden Cost (operating/maintaining): $32,400.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: May 14, 1998.

Grace A. Kilbane,

Director, Unemployment Insurance Service.

[FR Doc. 98–13414 Filed 5–19–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–02148]

Sangamon, Inc., Taylorville, Illinois; Revised Determination on Reconsideration

In response to a letter of March 26, 1998, from the United States Paperworkers International Union (UPIU) Local 637, requesting administrative reconsideration of the Department's denial of NAFTA–TAA for workers of the subject firm, the Department reopened its investigation for the former workers of Sangamon, Incorporated. The workers produce everyday and seasonal greeting cards.

The initial investigation resulted in a negative determination issued on March 6, 1998, because criteria (3) and (4) of paragraph (a)(1) of section 250 of the Trade Act of 1974, as amended, were not met. Sangamon, Incorporated did not import greeting cards from sources located in Mexico or Canada, nor was there a shift in production of greeting cards from the Taylorville plant to Mexico or Canada. Furthermore, a survey of the subject firm's customers revealed that none of the customers reported any purchases of greeting cards from Mexico or Canada in 1996 or 1997. The denial notice was published in the **Federal Register** on March 23, 1998 (63 FR 13879).

On reconsideration, the Department conducted further survey analysis of the major declining customer of Sangamon, Incorporated. New survey information shows that the major declining customer has indirect import purchases of greeting cards from Canada while reducing purchases from the subject firm.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports of articles from Canada like or directly competitive with greeting cards, contributed importantly to the declines in sales or production and to the total or partial separation of workers of Sangamon, Incorporated. In accordance with the provisions of the Act, I make the following certification:

All workers of Sangamon, Incorporated, Taylorville, Illinois, who became totally or partially separated from employment on or after January 22, 1997 through two years from the date of the certification, are eligible to apply for NAFTA–TAA under section 250 of the Trade Act of 1974.

Signed in Washington, DC, this 5th day of May 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–13417 Filed 5–19–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment Standards Administration Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S–3014, Washington, D.C. 20210

New General Wage Determination Decision

The Number of the decisions added to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and related Acts'' are listed by Volume and States:

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Washington
WA980009 (May 22, 1998)

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

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MA980069 (Feb. 13, 1998)
MA980070 (Feb. 13, 1998)
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New Mexico
NM980001 (Feb. 13, 1998)
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None

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts.'' This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at (703) 487–4630.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the seven separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, D.C. this 15 Day of May 1998.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 98–13424 Filed 5–19–98; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Working Group on the Disclosure of the Quality of Care in Health Plans Advisory Council on Employee Welfare and Pension Benefits Plans; Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the Working Group established by the Advisory Council on Employee Welfare and Pension Benefit Plans to study what kind of information on the quality of care in health plans should be transmitted to fiduciaries and participants and how the information should be transmitted will hold an open public meeting on Monday, June 8, 1998, in Room N–4437 C&D, U.S. Department of Labor Building, Second and Constitution Avenue, NW, Washington, DC 20210.

The purpose of the open meeting, which will run from 9:30 a.m. to approximately noon, is for Working Group members to determine specific areas of inquiry for the study and to continue taking testimony on the topic.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before June 2, 1998, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW, Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by June 2, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before June 2.

Signed at Washington, DC, this 14th day of May, 1998.

Olena Berg,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 98–13420 Filed 5–19–98; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Working Group Studying Pre-retirement Distributions From ERISA Employer-Sponsored Pension Plans Advisory Council on Employee Welfare and Pension Benefits Plans; Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting will be held on Tuesday, June 9, 1998, of the Working Group of the Advisory Council on Employee Welfare and Pension Benefit Plans, which is studying pre-retirement distributions, including in-service distributions and participant loans from ERISA employer-sponsored pension plans. Such distributions are known in the pension benefits community as ''leakage.''

The purpose of the open meeting, which will run from 9:30 a.m. to approximately noon in Room N–4437 C&D, U.S. Department of Labor Building, Second and Constitution Avenue NW, Washington, DC 20210, is for Working Group members to continue gathering statistical information and/or to take additional testimony on the import of these ''pension preservation'' issues.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before June 2, 1998, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW, Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by June 2, 1998, at the address indicated in this notice.

Organizations or individuals also may submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before June 2.

Signed at Washington, DC, this 14th day of May, 1998.

Olena Berg,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 98–13421 Filed 5–19–98; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Working Group Studying Small Businesses: How To Enhance and Encourage the Establishment of Pension Plans; Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting will be held Monday, June 8, 1998, of the Advisory Council on Employee Welfare and Pension Benefit Plans Working Group formed to study the obstacles to why small businesses are not establishing retirement vehicles for their employees when so many different savings arrangements are available. The Working Group also will focus on how to encourage these businesses to establish such pension plans.

The session will take place in Room N–4437 C&D, U.S. Department of Labor Building, Second and Constitution Avenue, NW, Washington, DC 20210. The purpose of the open meeting, which will run from 1 p.m. to approximately 3:30 p.m., is for Working Group members to continue taking testimony on the topic.

Members of the public are encouraged to file written statement pertaining to the topic by submitting 20 copies on or before June 2, 1998, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW, Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by June 2, at the address indicated in this notice

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before June 2.

Signed at Washington, DC, this 14th day of May, 1998.

Olena Berg,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 98–13422 Filed 5–19–98; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

The One-Hundred and Second Full Open Meeting of the Advisory Council on Employee Welfare and Pension Benefits Plans; Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting will be held Tuesday, June 9, 1998, of the Advisory Council on Employee Welfare and Pension Benefit Plans.

The session will take place in Room N–4437 C&D, U.S. Department of Labor Building, Second and Constitution Avenue, NW, Washington, D.C. 20210. The purpose of the open meeting, which will run from 1:00 p.m. to approximately 2:30 p.m., is for the Advisory Council's full membership to be updated on its new working groups' progress on their topics of study as well as on regulatory and enforcement projects being undertaken by the Pension and Welfare Benefits Administration (PWBA).

Members of the public are encouraged to file a written statement pertaining to the Council's three topics for study by submitting 20 copies on or before June 2, 1998, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW, Washington, D.C. 20210. The topics being studied include:

(a) Disclosure of the Quality of Health Care Plans:

(b) Small Business: How to Enhance and Encourage the Establishment of Pension Plans, and

(c) Pre-retirement Distributions from Employer-Sponsored ERISA Plans.

Individuals or representatives of organizations wishing to address the Advisory Council should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by June 2, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before June 2.

Signed at Washington, D.C. this 14th day of May, 1998.

Olena Berg,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 98–13423 Filed 5–19–98; 8:45 am]

BILLING CODE 4510–29–M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

National Endowment for the Arts; National Council on the Arts 134th Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the National Council on the Arts will be held on June 1, 1998 from 2:00 to 5:00 p.m. in Room 716 and on June 2, 1998 from 9:00 a.m. to 4:45 p.m. in Room M–09 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, D.C. 20506.

The Council will meet in closed session on June 1, from 2:00 to 5:00 p.m. for discussion of National Medal of Arts nominations. In accordance with the determination of the Chairman of May 14, 1998, this session will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code. The remainder of the meeting, from 9:00 a.m. to 4:45 p.m. on June 2, will be open to the public. Topics for discussion will include: Remarks by Robert Pinsky, Poet Laureate of the United States; a report on the Endowment's work with the Mayors' Institute on City Design; Federal Interagency Agreements; the Overview Policy Panel report; a Legislative update; budget update and preliminary discussion of the FY 2000 budget; Application Review; Folk & Traditional Arts Infrastructure Initiative Guidelines, a status report on the WritersCorps Program and general discussion.

If, in the course of discussion, it becomes necessary for the Council to discuss non-public commercial or financial information of intrinsic value, the Council will go into closed session pursuant to subsection (c)(4) of the Government in the Sunshine Act, 5 U.S.C. 552b. Additionally, discussion concerning purely personal information about individuals, submitted with grant applications, such as personal biographical and salary data or medical information, may be conducted by the Council in closed session in accordance with subsection (c)(6) of 5 U.S.C. 552b.

Any interested persons may attend, as observers, Council discussions and reviews which are open to the public. If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW, Washington, D.C. 20506, 202/682–5532, TTY–TDD 202/682–5429, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from the Office of Communications, National Endowment for the Arts, Washington, D.C. 20506, at 202/682–5570.

Dated: May 13, 1998.

Kathy Plowitz-Worden,

Panel Coordinator, Office of Guidelines and Panel Operations.

[FR Doc. 98–13344 Filed 5–19–98; 8:45 am]

BILLING CODE 7537–01–M

NEIGHBORHOOD REINVESTMENT CORPORATION

Sunshine Act Meeting; Twentieth Annual Meeting of the Board of Directors

TIME & DATE: 2:00 P.M., Friday, May 29, 1998.

PLACE: Neighborhood Reinvestment Corporation, 1325 G Street, NW., Suite 800, Board Room, Washington, DC 20005.

STATUS: Open.

CONTACT PERSON FOR MORE INFORMATION: Jeffrey T. Bryson, General Counsel/Secretary, 202/376–2441.

AGENDA:

I. Call to Order
II. Approval of Minutes: February 20, 1998 Regular Meeting
III. Resolution of Appreciation
IV. Election of Chairman
V. Election of Vice Chairman
VI. Committee Appointments
  a. Audit Committee
  b. Budget Committee
  c. Personnel Committee
VII. Election of Officers
VIII. Board Appointments
IX. Treasurer's Report
X. Executive Director's Quarterly Management Report
XI. Adjourn

Jeffrey T. Bryson,

General Counsel/Secretary.

[FR Doc. 98–13600 Filed 5–18–98; 12:37 pm]

BILLING CODE 7570–01–M

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of May 18, 25, June 1, and 8, 1998.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of May 18

There are no meetings the week of May 18.

Week of May 25—Tentative

Friday, May 29

11:00 a.m. Affirmation Session (PUBLIC MEETING) (if needed).

1:00 p.m. Briefing on Investigative Matters (Closed—Ex. 5 and 7).

Week of June 1—Tentative

Tuesday, June 2

8:00 a.m. Briefing on Remaining Issues Related to Proposed Restart of Millstone Unit 3. (PUBLIC MEETING) (Contact: Bill Travers, 301–415–1200).

1:00 p.m. (Continuation of Millstone meeting.)

Thursday, June 4

3:30 p.m. Affirmation Session (PUBLIC MEETING) (if needed).

Friday, June 5

10:00 a.m. Briefing by EPRI on their Strategic Plan for the Future (PUBLIC MEETING).

Week of June 8—Tentative

Thursday, June 11

11:30 a.m. Affirmation Session (PUBLIC MEETING) (if needed).

Friday, June 5

10:00 a.m. Briefing by Reactor Vendors Owners' Groups (PUBLIC MEETING).

The Schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: Bill Hill (301) 415–1661.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: http://www.nrc.gov/SECY/smj/schedule.htm.

* * * * *

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301–415–1661). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmh@nrc.gov or dkw@nrc.gov.

* * * * *

Dated: May 15, 1998.

William M. Hill, Jr.,

Secy Tracking Officer, Office of the Secretary.

[FR Doc. 98–13479 Filed 5–15–98; 4:23 pm]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Pub. L. 97–415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Pub. L. 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from April 25, 1998, through May 8, 1998. The last biweekly notice was published on May 6, 1998 (63 FR 25101).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administration Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By June 19, 1998, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

Commonwealth Edison Company, Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

Date of amendment request: January 14, 1998.

Description of amendment request: The proposed amendments would change the Technical Specifications to allow replacement of the 125 volt direct current (DC) AT&T batteries with new Charter Power Systems, Inc. (C&D) batteries, and revise the crosstie loading limitation.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

A. The proposed change does not involve a significant increase in the probability of consequences of an accident previously evaluated.

The replacement C&D battery has been selected to meet or exceed the design, functional, and operational requirements of those of the present AT&T battery, including crosstie load limitations. The C&D batteries are similar in design to the previously installed Gould batteries (e.g. electrolyte specific gravity and construction of the plates) except for capacity. The replacement C&D batteries have a significantly larger capacity than either the previously installed Gould, or the currently installed AT&T, batteries. This increased capacity can provide additional margin for future use. Also, the C&D batteries are qualified for a 20 year life and meet the latest applicable standards. The short circuit current provided by the C&D batteries is well within the interrupting capability of the existing DC system [c]ircuit breakers.

Additionally, the crosstie limit is increased to take advantage of the larger C&D battery capacity. The C&D batteries were sized based on having sufficient capacity to energize the design basis DC loads of an operating unit with the [Institute of Electrical and Electronics Engineers] IEEE–485 design margin while maintaining the desired limited DC load of 200 amps for a shutdown unit. This proposed change allows use of the C&D batteries' larger capacity.

Also, although adherence to the performance testing intervals stated in IEEE Std 450 could result in a planned shutdown and possible subsequent increase in the probability of occurrence of an accident (e.g. Turbine Trip), it would be part of a controlled and planned shutdown, therefore the increases would not be considered significant.

The overall design, function, and operation of the DC system and equipment has not been altered by these changes. The proposed changes do not affect any accident initiators of precursors and do not alter the design assumptions for the systems or components used to mitigate the consequences of an accident as analyzed in UFSAR [Updated Final Safety Analysis Report] Chapter 15. Therefore, there is no increase in the probability or consequences of an accident previously evaluated.

B. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The replacement C&D batteries will provide the same function as those of the installed AT&T batteries and will be operated with the same types of operational controls. These limits include battery float terminal voltage, individual cell voltage and electrolyte specific gravity, and crosstie loading. Crosstie conditions are allowed under the present Technical Specifications. The crosstie limit is increased to take advantage of the larger C&D battery capacity. The remaining changes are administrative in nature or provide clarification to maintain consistency with other Technical Specifications.

The DC system and its equipment will continue to perform the same function and be operated in the same fashion. The proposed changes do not create any new or common failure modes. The proposed changes do not introduce any new accident initiators or precursors, or any new design assumptions for the systems or components used to mitigate the consequences of an accident. Therefore, the possibility of a new or different kind of accident from any accident previously evaluated has not been created.

C. The proposed change does not involve a significant reduction in a margin of safety.

The replacement C&D batteries will meet or exceed the design, functional, and qualifications of the installed AT&T batteries. The proposed Technical Specification limitations for the C&D batteries are derived from the same methodology as the AT&T batteries with applied margins in accordance with IEEE 485. Increasing the crosstie loading limits takes advantage of the larger C&D battery capacity with its increased design margin. The proposed change to the crosstie loading limit will continue to conservatively envelope the postulated design requirements. The remaining changes are administrative in nature or provide clarification to maintain consistency with other Technical Specifications.

The inherent design conservatism of the DC system and its equipment has not been altered. The DC system and its equipment will continue to be operated with the same degree of conservatism. Therefore, there is no reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Local Public Document Room location: Wilmington Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Attorney for licensee: Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60603.

NRC Project Director: Stuart A. Richards.

Commonwealth Edison Company, Docket Nos. 50–373 and 50–374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Date of amendment request: May 27, 1997, as supplemented on August 1, 1997, and March 24, 1998.

Description of amendment request: The proposed amendments would revise Technical Specification Section 6, ''Administrative Controls,'' to incorporate revised organizational titles and would delete the Unit 1 License Condition 2.C.(30)(a) related to the function of the Shift Technical Advisor. In addition, the proposed amendments would change the submittal frequency of the Radiological Effluent Release Report from semiannually to annually. The proposed amendments will also make several administrative and editorial changes. The staff's proposed no significant hazards consideration determination for the requested change was published on July 30, 1997 (62 FR 40848).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

A. The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes do not affect any accident initiators or precursors and do not change or alter the design assumptions for systems or components used to mitigate the consequences of an accident. The proposed changes do not affect the design or operation of any system, structure, or component in the plant. There are no changes to parameters governing plant operation, and, no new or different type of equipment will be installed.

The proposed changes provide clarification, consistency with station procedures, programs, the Code of Federal Regulations (10 CFR), other Technical Specifications, and Improved Technical Specifications. These changes do not impact any accident previously evaluated in the UFSAR [Updated Final Safety Analysis Report]. There is no relaxation of applicable administrative controls. Those administrative requirements which have no effect on safe operation of the plant are eliminated.

B. The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes do not affect the design or operation of any plant system, structure, or component. There are no changes to parameters governing plant operation, and, no new or different type of equipment will be installed.

C. The proposed changes do not involve a significant reduction in a margin of safety.

The proposed changes do not affect the margin of safety for any Technical Specification. The initial conditions and methodologies used in the accident analyses remain unchanged; therefore, accident analyses results are not impacted. Plant safety parameters or setpoints are not affected. All responsibilities described in the Technical Specifications for administrative controls will continue to be performed by individuals possessing the requisite qualifications. Clarifications, relocations, and nomenclature changes neither result in a reduction of personnel responsibilities, nor do they cause a relaxation of programmatic controls. There are no resulting effects on plant safety parameters or setpoints.

Guidance has been provided in ''Final Procedures and Standards on No Significant Hazards Considerations,'' Final Rule, 51 FR 7744, for the application of standards to license change requests for determination of the existence of significant hazards considerations. This document provides examples of amendments which are and are not considered likely to involve significant hazards considerations. These proposed amendments most closely fit the example of a purely administrative change to the Technical Specifications to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature.

The proposed amendment does not involve a significant relaxation of the criteria used to establish safety limits, a significant relaxation of the bases for the limiting safety system settings, or a significant relaxation of the bases for the limiting conditions for operations. The proposed change does not reduce the margin of safety as defined in the basis for any Technical Specification.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Local Public Document Room location: Jacobs Memorial Library, Illinois Valley Community College, Oglesby, Illinois 61348.

Attorney for licensee: Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60603.

NRC Project Director: Stuart A. Richards.

Commonwealth Edison Company, Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois.

Date of amendment request: April 13, 1998.

Description of amendment request: Unreviewed Safety Question involving additional manual actions incorporated in new fire protection procedures as a result of a revised Appendix R Safe Shutdown Safety Analysis.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) No significant increase in the probability or consequences of an accident previously evaluated is involved because of the following:

Two types of previously evaluated accidents are relevant to this criterion: (1) A fire; (2) other accidents evaluated in the Updated Final Safety Analysis Report. For these previously evaluated accidents, the change would not result in an increase in either their probabilities of occurrence or the consequences of their occurrence, for the following reasons:

The additional operator manual actions do not significantly change the probability or consequences of a fire. The likelihood of a fire is unchanged. Additional operations do not significantly change the fire loading nor introduce significant new ignition sources. The quantities and arrangement of combustible materials are not changed through additional manual actions.

The consequences of a fire are unchanged because operator manual actions serve to support the station's ability to achieve and maintain shutdown in the event of a fire.

Additional manual operations are for purposes of safe shutdown in the event of a fire in areas requiring alternate shutdown capability and do not impact other accident scenarios. Also, there is no increase in the predicted frequency of other accidents as a result of this change. Accordingly there is no significant change in the probability or consequences of other accidents previously evaluated because they are independent of this change in procedures for fire scenarios.

(2) The possibility of a new or different kind of accident from any accident previously evaluated is not created because:

The proposed change does not create the possibility of a new or different kind of accident from that previously evaluated for the Quad Cities Station. Although the number of manual actions increased and there may be some compression in the time for taking necessary actions relative to the current safe shutdown analysis and procedures, there is no significant change in the operation of plant equipment following the postulated fire event. The existing safe shutdown analysis already relies on operator manual actions which perform the same type of actions.

The overall approach and methodology to performing these operator actions are not significantly different from the prior approach and methodology. This proposed change does not involve an accident initiator or failure not previously considered. The results or effects of equipment malfunctions

previously evaluated are unchanged as the result of potential operator errors. No new failures would occur, and no new modes of operation are introduced by the proposed changes.

Additional manual actions and the timing thereof provide a somewhat different demand on the plant equipment operators, but still provide an effective method for achieving and maintaining post-fire safe shutdown for areas requiring alternate shutdown capability. As such, the proposed changes do not create the possibility of a new or different kind of accident.

(3) No significant reduction in the margin of safety is involved because:

A change in the fire protection program does not result in a significant reduction in the margin of safety if the change does not result in a significant adverse impact on the plant's ability to achieve and maintain safe shutdown in the event of a fire. The proposed operator manual actions to achieve and maintain safe shutdown in a fire scenario do not significantly affect the capability or reliability of the equipment assumed to operate in the safety analysis.

The types of manual actions to be performed in support of Appendix R safe shutdown functions are not significantly different from those previously considered. The complexity of actions is not significantly changed. Indeed many of the additional actions are designed to provide additional protection from spurious operations which could result from a fire.

Any reduction in margin associated with changes in the time before which certain manual actions must occur is largely a result of re-analyses which incorporate conservatisms not previously considered. In total, the proposed changes do not adversely impact the capability to meet the requirements of Appendix R. Any reduction in margin associated with additional manual actions to achieve and maintain post fire safe shutdown in areas requiring alternate capabilities does not involve a significant reduction in margin.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92 are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Local Public Document Room location: Dixon Public Library, 221 Hennepin Avenue, Dixon, Illinois 61021.

Attorney for licensee: Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60603.

NRC Project Director: Stuart A. Richards.

Duke Energy Corporation (DEC), et al., Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: May 27, 1997, as supplemented by letters dated March 9, March 20, and April 20, 1998.

Description of amendment request: The proposed amendments would revise the current Technical Specifications (TS) of each unit to conform with NUREG–1431, Revision 1, ''Standard Technical Specifications—Westinghouse Plants.'' The Commission had previously issued a Notice of Consideration of Issuance of Amendments published in the **Federal Register** on July 14, 1997 (62 FR 37628) covering all the proposed changes that were indeed within the scope of NUREG–1431. In DEC's March 9, March 20, and April 20, 1998, supplements, there are proposed changes that are beyond the scope of NUREG–1431, which were, thus, not covered by the staff's July 14, 1997, notice. The following descriptions and proposed no significant hazard analyses cover only those beyond-scope changes. Associated with each change are administrative/editorial changes such that the new or revised requirements would fit into the format of NUREG–1431.

1. Table 3.3–3 of the current TS contains an entry regarding the Containment Pressure Control System, allowing an inoperable channel be placed in trip in 1 hour. DEC proposed to tighten this requirement such that the system supported by the inoperable channel be declared inoperable immediately. No changes to the design of the Containment Pressure Control System or other systems were proposed by DEC.

2. Table 4.3–1 of the Unit 1 current TS has a footnote (No. 13) that specifies a filter time constant of 1.5 seconds in the steam generator low-low level reactor trip circuitry. DEC proposed to delete this time constant since it was never used. No design changes to the instrumentation and control systems are involved.

3. Section 4.5.1.1.c of the current TS requires that power be removed from the accumulator isolation valve when the reactor coolant system pressure is greater than 2000 pounds per square inch gauge (psig). DEC proposed to make this requirement more restrictive, lowering this threshold to 1000 psig on the recommendation of the nuclear vendor, Westinghouse. No design changes to the accumulator system are involved.

4. Section 4.6.5.1.b.1 of the current TS requires that the boron concentration of the ice in the ice condenser be verified once every 9 months to be at least 1800 ppm. DEC proposed to relax the frequency from 9 months to 18 months on the basis that boron, in the form of sodium tetraborate, does not decrease in quantity even though the ice sublimates. No design changes to the ice condenser are involved.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), DEC has provided its analyses of the issue of no significant hazards consideration for each of the above proposed changes. The NRC staff has reviewed DEC's analyses against the standards of 10 CFR 50.92(c). The NRC staff's analysis is presented below.

1. Will the changes involve a significant increase in the probability or consequences of an accident previously evaluated?

For all the changes the answer is ''no.'' The proposed changes will not affect the safety function of the subject systems. There will be no direct effect on the design or operation of any plant structures, systems, or components. No previously analyzed accidents were initiated by the functions of these systems, and the systems were not factors in the consequences of previously analyzed accidents. Therefore, the proposed changes will have no impact on the consequences or probabilities of any previously evaluated accidents.

2. Will the changes create the possibility of a new or difference kind of accident from any accident previously evaluated? For all the changes the answer is ''no.'' The proposed changes would not lead to any hardware or operating procedure change. Hence, no new equipment failure modes or accidents from those previously evaluated will be created.

3. Will the changes involve a significant reduction in a margin of safety?

For all the changes the answer is ''no.'' Margin of safety is associated with confidence in the design and operation of the plant. The proposed changes to the TS do not involve any change to plant design, operation, or analysis. Thus, the margin of safety previously analyzed and evaluated is maintained.

Based on this analysis, it appears that the three standards of 10 CFR 50.92(c) are satisfied for each of the proposed changes. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina.

Attorney for licensee: Mr. Paul R. Newton, Legal Department (PB05E), Duke Energy Corporation, 422 South Church Street, Charlotte, North Carolina.

NRC Project Director: Herbert N. Berkow

Duke Energy Corporation, et al., Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: April 20, 1998.

Description of amendment request: The Control Room Area Ventilation System (CRAVS) can be actuated by a number of ways, including by the engineered safety features actuation signal (ESFAS) when safety injection is also initiated. The only relationship between automatic actuation of the CRAVS and the ESFAS is through safety injection initiation, applicable in Modes 1, 2, 3, and 4. However, in Tables 3.3–3 and 4.3–2 of the units' Technical Specifications, regarding operability and surveillance requirements, the CRAVS automatic actuation has been erroneously specified for all modes (Modes 1, 2, 3, 4, 5, and 6). The licensee proposed to correct this error by the proposed amendment.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

First Standard

Implementation of this amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated. The Control Room Area Ventilation System and ESFAS are not accident initiating systems; they are accident mitigating systems. Therefore, changing the mode requirements for the subject ESFAS functional unit cannot impact accident initiating probabilities. The technical justification associated with this proposed amendment shows that the current Technical Specification mode requirements for the subject functional unit are incorrect as written. The Control Room Area Ventilation System and ESFAS will remain fully capable of performing their design accident mitigation functions for the modes in which they are required. The Control Room Area Ventilation System operability requirement of Technical Specification 3/4.7.6 will continue to be met. Therefore, no accident consequences will be impacted.

Second Standard

Implementation of this amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated. As noted previously, the Control Room Area Ventilation System and ESFAS are not accident initiating systems. Correcting the mode requirements as specified will not impact any plant systems that are accident initiators. No other modifications are being proposed to the plant which would result in the creation of new accident mechanisms. Also, no changes are being made to the way in which the plant is operated, so no new failure mechanisms will be initiated.

Third Standard

Implementation of this amendment would not involve a significant reduction in a margin of safety. Margin of safety is related to the confidence in the ability of the fission product barriers to perform their design functions during and following an accident situation. These barriers include the fuel cladding, the reactor coolant system, and the containment system. The performance of the fission product barriers will not be impacted by implementation of this proposed amendment. Both the Control Room Area Ventilation System and the ESFAS will remain fully capable of performing their design functions for the modes in which they are required. Therefore, no safety margin will be significantly impacted.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina.

Attorney for licensee: Mr. Paul R. Newton, Legal Department (PB05E), Duke Energy Corporation, 422 South Church Street, Charlotte, North Carolina.

NRC Project Director: Herbert N. Berkow.

Duke Energy Corporation (DEC), Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: May 27, 1997, as supplemented by letter dated March 9, 1998.

Description of amendment request: The three proposed changes are associated with DEC's application to convert to the Improved Technical Specifications. The first change would increase the surveillance interval for the boron concentration of the ice bed from once per 9 months, to every 18 months. This change is supported by operating experience data, establishes surveillance intervals that coincide with refueling outages, and minimizes containment entries during power operation. The second change would decrease the Reactor Coolant System pressure level at which power is removed from the accumulator isolation valve from 2000 pounds per square inch gauge (psig) to 1000 psig. This change is considered a more restrictive change, and is based on recommendations by Westinghouse Nuclear Safety Advisory Letter 97–003. The third change would revise the Turbine Trip and Feedwater Isolation function to include an initiation signal from the average-low temperature. This change is considered a more restrictive change, and is consistent with the plant design and safety analysis.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration for each of the above proposed changes. The NRC staff has reviewed the licensee's analyses against the standards of 10 CFR 50.92(c). The NRC staff's analysis is presented below:

1. Will the changes involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed changes will not affect the safety function of the subject systems. There will be no direct effect on the design or operation of any plant structures, systems, or components. No previously analyzed accidents were initiated by functions of these systems, and the systems were not factors in the consequences of previously analyzed accidents. Therefore, the proposed changes will have no impact on the consequences or probabilities of any previously evaluated accidents.

2. Will the changes create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed changes would not lead to any hardware or operating procedure change. Hence, no new equipment failure modes or accidents from those previously evaluated will be created.

3. Will the changes involve a significant reduction in a margin of safety?

Margin of safety is associated with confidence in the design and operation of the plant. The proposed changes do not involve any change to the plant design, operation, or analysis. Thus, the margin of safety previously analyzed and evaluated is maintained.

Based on this analysis, it appears that the three standards of 10 CFR 50.92(c) are satisfied for each of the proposed changes. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: J. Murrey Atkins Library, University of North Carolina at

Charlotte, 9201 University City Boulevard, North Carolina.

Attorney for licensee: Mr. Albert Carr, Duke Energy Corporation, 422 South Church Street, Charlotte, North Carolina.

NRC Project Director: Herbert N. Berkow.

Entergy Gulf States, Inc., and Entergy Operations, Inc., Docket No. 50–458, River Bend Station, Unit 1, West Feliciana Parish, Louisiana

Date of amendment request: April 9, 1998.

Description of amendment request: The proposed amendment would revise license condition 2.C(13) to allow Final Feedwater Temperature Reduction (FFWTR) at the River Bend Station, Unit No.1(RBS). FFWTR is to be used at the end of each fuel cycle to allow approximately fourteen additional effective full power days of operation.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed changes do not significantly increase the probability or consequences of an accident previously evaluated.

The abnormal operational occurrences or accidents analyzed in the SAR [Safety Analysis Report] have been examined for impact caused by partial feedwater heating during cycle extension or at coastdown condition. The limiting abnormal operation transients, including the Load Rejection with no Bypass (LRNBP) event and the Feedwater Controller Failure (FWCF) maximum demand event, Turbine Trip with No Bypass (TTNBP) and Pressure Regulator Failure Downscale (PRFD) have been analyzed based upon the core nuclear characteristic at end-of-cycle (EOC) conditions including the effects of increased core flow and the proposed reduction in feedwater temperature with an all-rods-out condition.

The LOCA (Loss of Coolant Accident), fuel loading error, rod drop accident, rod withdrawal error, overpressure protections and ATWS (anticipated transient without scram) analyses have been evaluated for the effects of reduced feedwater temperature operation and found acceptable. In addition, the case of the analyzed operational events the current fuel OLMCPR (operating limit minimum critical power ratio) and MAPLHGR (maximum average planar linear heat generation rate) limits bound those necessary for operation and therefore, are not affected by operation with FFWTR therefore, these events are bounded by the current RBS analysis. Because the accident results are acceptable and the current operating fuel limits are unaffected, the consequence of an event previously evaluated remains unaffected.

The probability of an accident is not affected by the proposed changes since no systems or equipment which could initiate an accident are affected. Therefore, the proposed changes do not significantly increase the probability or consequences of any previously evaluated accident.

2. The request does not create the possibility of occurrence of a new or different kind of accident from any accident previously evaluated.

The FFWTR mode of operation is functionally similar to operation with Feedwater Heaters Out of Service (USAR (Updated Safety Analysis Report) Section 15.1.7). All abnormal operational transients or accidents have been evaluated and the most limiting cases have been analyzed for applicability for the FFWTR operation. Limits on MAPLHGR and OLMCPR (including the power and flow dependent MCPR) which are included in the Core Operating Limits Report (COLR) as part of the normal reload licensing process will continue to assure that operations are within the assumptions, initial conditions and assumed power distribution and therefore will not create a new type of accident. The proposed changes do not involve new setpoints, new system interactions, or physical modifications to the plant. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previous analyzed.

3. The request does not involve a significant reduction in a margin of safety.

The proposed changes do not involve any setpoint changes and would allow steady state power operation at off-rated feedwater temperature conditions as defined in current plant procedures. The transient and accidents described in the SAR are evaluated for effects caused by the reduced feedwater temperature of 100 (degrees) F. As described in Attachment 4 (to the April 9, 1998, amendment request), * * * the FWCF is the most limiting transient under such condition and the required OLMCPR for this event is bounded by the EOC OLMCPR limits set forth in the RBS COLR. The thermal limits MCPR and LHGR curves, and the MAPLHGR limits establish limits on power operation and thereby ensure that the core is operated within the assumptions and initial conditions of the transient or accident analyses.

Operation within these limits set forth by the MCPR limits, the LHGR limits and the MAPLHGR criteria will ensure that the margin of safety will be maintained to the same level described in the Technical Specifications Bases and the SAR. As a result the consequences of postulated transients or accidents are not increased.

The MCPR safety limit, mechanical performance limits and overpressure limits are not exceeded during any transient or postulated accident at normal feedwater temperature or at reduced feedwater temperature condition. Therefore, the proposed changes to allow partial feedwater heating for cycle extension do not involve a significant reduction in margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Government Documents Department, Louisiana State University, Baton Rouge, LA 70803.

Attorney for licensee: Mark Wetterhahn, Esq., Winston & Strawn, 1400 L Street, N.W., Washington, DC 20005.

NRC Project Director: John N. Hannon.

Illinois Power Company, Docket No. 50–461, Clinton Power Station, Unit 1, DeWitt County, Illinois

Date of amendment request: April 27, 1998.

Description of amendment request: The proposed amendment would change the title of ''shift supervisor'' to ''shift manager'' in the Technical Specifications (TS).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

(1) The proposed change replaces the title of ''shift supervisor'' with the title of ''shift manager'' as it pertains to the responsibilities of the position described in TS Section 5.1.2. The proposed change does not involve a change to the plant design or to the operation of the plant by qualified operators and senior operators. Although this change involves changes to the Operations department, individuals in those positions comprising the operating crews will continue to have to meet the same licensing, experience, training, and education requirements, notwithstanding the proposed change in the title of the individual with ultimate command authority in the main control room, from ''shift supervisor'' to ''shift manager.'' Therefore, the operation of CPS is not affected by this change. Further, as also noted, the proposed change does not affect plant design. It therefore would not affect systems, structures, or components important to safety, particularly those associated with the plant accident analyses. As a result, the proposed change does not affect any parameters or conditions that may contribute to the initiation of any accidents previously evaluated, nor does it affect the operation or response of systems, structures, or components assumed to mitigate postulated accidents that have been evaluated/analyzed. On this basis, IP has concluded that the proposed change will not result in a significant increase in the probability or consequences of any accident previously evaluated.

(2) As noted above, the proposed change does not involve a change to design or operation of the plant. As a result, the proposed change, which is only administrative in nature, cannot introduce

any new failure modes or precursors, parameters, or conditions that could cause or contribute to the initiation of any new accidents not previously evaluated. On this basis, IP has concluded that the proposed change will not create the possibility of a new or different kind of accident not previously evaluated.

(3) As noted above, the proposed change is an administrative change that involves no changes to plant design or operation, including the design or operation of systems, components, or structures important to safety. On this basis there are no margins of safety affected by the proposed change. As a result, IP has concluded that the proposed change will not result in a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Vespasian Warner Public Library, 120 West Johnson Street, Clinton, IL 61727.

Attorney for licensee: Leah Manning Stetzner, Vice President, General Counsel, and Corporate Secretary, 500 South 27th Street, Decatur, IL 62525.

NRC Project Director: Ronald R. Bellamy, Acting.

Maine Yankee Atomic Power Company, Docket No. 50–309, Maine Yankee Atomic Power Station, Lincoln County, Maine

Date of amendment request: April 13, 1998.

Description of amendment request: The proposed amendment would amend the Technical Specifications to base the Limiting Condition for Operation for the fuel storage pool water level on a revised analysis of the fuel handling accident and on a new analysis for radiological shielding during movement of irradiated fuel.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed change does not:

1. Involve a significant increase in the probability or consequence of an accident previously evaluated.

The proposed restrictions on the water level in the spent fuel pool has no impact on the probability or consequences of the remaining applicable design basis accidents. These restrictions are fulfilled by normal operating conditions, preserve initial conditions assumed in the analyses of postulated DBAs and ensure that the conditions of such DBAs are consistent with the analyses. Revised analysis was performed assuming a fuel handling accident occurs after the spent fuel fission products have decayed at least 1-year. The initial conditions assumed a minimum of 19 feet of water for iodine absorption. No credit was taken for control room or spent fuel pool ventilation filtration. The results of the revised analysis demonstrate that the projected doses resulting from a postulated fuel handling accident are insignificant in comparison to 10 CFR part 100 limits. Therefore, the proposed changes to the Technical Specifications do not involve any increase in the probability or consequences of any accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed restrictions on the water level in the spent fuel pool are fulfilled by normal operating conditions and preserve initial conditions assumed in the analysis of postulated DBAs. These additional restrictions do not involve changes to any structure or equipment affecting the safe storage of irradiated fuel. The results of the revised analysis of a fuel handling accident demonstrate that the projected doses are insignificant in comparison to 10 CFR part 100 limits with a minimum of 19 feet of water for iodine absorption. In addition, maintaining this minimum water level will also provide sufficient shielding for personnel radiation protection during fuel movement. Therefore, the proposed changes to the Technical Specifications would not create the possibility of a new or different accident from any accident previously evaluated.

3. Involve a significant reduction in a margin of safety.

The proposed restrictions on the water level in the spent fuel pool preserve initial conditions assumed in the analyses of postulated DBAs and ensure that margins of safety contained in the analyses are maintained. The margin of safety for the fuel handling accident relates to the acceptance limit which the NRC approved during its review of the license. The fuel handling accident acceptance limit defined in the basis for the Maine Yankee Technical Specification (formerly specified as TS 3.13.D.10) is 10% of 10 CFR part 100 limits. A reduction in margin of safety occurs when the acceptance limit would no longer be met as a result of a proposed change. Since the acceptance limit is met, there is no reduction in margin of safety. The projected dose rates at the specified Fuel Storage Pool water level during fuel movement with a fuel assembly raised to its highest allowable height would result in personnel exposures within that previously assumed. There is no reduction in a margin of safety. The NRC acceptance limit which is that combination of occupancy time and dose rate that maintains personnel doses within 10 CFR 20.1201 limits is not exceeded. Therefore, the proposed changes to the MYTS would not involve a significant reduction in any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Wiscasset Public Library, High Street, PO Box 367, Wiscasset, ME 04578.

Attorney for licensee: Mary Ann Lynch, Esquire, Maine Yankee Atomic Power Company, PO Box 408, Wiscasset, ME 04578.

NRC Project Director: Seymour H. Weiss.

Northern States Power Company, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Units 1 and 2, Goodhue County, Minnesota.

Date of amendment requests: March 2, 1998.

Description of amendment requests: The proposed amendments would remove the spent fuel pool special ventilation system operability-based restriction on crane operations in the spent fuel pool enclosure, while maintaining that restriction during spent fuel handling operations.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment[s] will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change does not affect any system that is a contributor to initiating events for previously evaluated anticipated operational occurrences and design basis accidents. Therefore, the proposed change will not increase the probability of any previously evaluated accident.

The proposed change does not impact the required availability of the spent fuel pool special ventilation system during spent fuel handling operations to mitigate the consequences of a fuel handling accident.

The proposed change does impact the required availability of the spent fuel pool special ventilation system during heavy load handling operations. However, this system is not required to mitigate the consequences of a heavy load dropping onto a spent fuel assembly. Such a requirement is not applicable at Prairie Island, because the heavy loads in the spent fuel pool enclosure are either handled with single-failure-proof cranes, rigging and plant procedures implementing Prairie Island commitments to NUREG–0612, or handled with spent fuel pool protective covers in place as described in the Prairie Island USAR (updated safety analysis report). The use of a single-failure-proof crane with rigging and procedures that implement the requirements of NUREG–0612 assures that the potential for a heavy load

drop is extremely small and therefore consideration of the effects of heavy load drops is not required. Spent fuel pool covers prevent dropped loads* (*The covers do have a limit on the weight load they are analyzed to withstand.) from falling into the spent fuel pool and therefore consideration of the effects of heavy load drops is also not required. These actions taken to reduce the accident initiator probabilities to insignificant magnitudes negate any theoretically small increase in the consequence of a postulated heavy load drop accident resulting from the removal of a requirement to have one train of the spent fuel pool special ventilation system operable during crane operations. It is concluded in summary that the proposed change does not involve a significant increase in the consequences of any accident previously evaluated.

2. The proposed amendment[s] will not create the possibility of a new or different kind of accident from any accident previously analyzed.

The proposed change does impact the required availability of the spent fuel pool special ventilation system during heavy load handling operations. Load drop events over spent fuel are well understood and have been thoroughly evaluated. The proposed change will not create any new accident scenarios or create the possibility of a new or different kind of accident from any accident previously analyzed.

3. The proposed amendment[s] will not involve a significant reduction in the margin of safety.

The proposed change does not impact the required availability of the spent fuel pool special ventilation system during spent fuel handling operations to mitigate the consequences of a fuel handling accident as described in the USAR. As a result the safety margin inherent in the 10 CFR part 100 dose limits is not reduced.

The proposed change does impact the required availability of the spent fuel pool special ventilation system during heavy load handling operations. However, this system is not required to mitigate the consequences of a heavy load dropping onto a spent fuel assembly because the potential for a load drop is extremely small. Provision of single-failure-proof equipment and compliance with the other requirements of NUREG–0612 (provide) a defense-in-depth approach to assure the safe handling of heavy loads which would otherwise be demonstrated to be safe by the deterministic analysis of the radiological effects of dropped heavy loads.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Local Public Document Room location: Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Attorney for licensee: Jay Silberg, Esq., Shaw, Pittman, Potts, and Trowbridge, 2300 N Street, NW, Washington, DC 20037.

NRC Project Director: Cynthia A. Carpenter.

Pennsylvania Power and Light Company, Docket Nos. 50–387 and 50–388 Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of amendment request: November 26, 1997.

Description of amendment request. The amendments to the Units 1 and 2 Technical Specifications Surveillance Requirement Section 4.7.1.3.a involve lowering the Ultimate Heat Sink (UHS) surveillance requirement maximum acceptable spray pond average temperature from 88 °F to 85 °F. This temperature is specified to assure that the post design basic accident (DBA) loss-of-coolant (LOCA) accident/loss of offsite power maximum UHS temperature will be maintained less than the UHS design temperature.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

This proposal does not involve an increase in the probability or consequences of an accident previously evaluated. The proposed change lowers the UHS temperature surveillance requirement so that the maximum post DBA UHS temperature is maintained less than that reported previously.

The UHS provides cooling to equipment and systems required for the safe shutdown of the plant following an accident with radiological consequence potential, such as a LOCA. The change in UHS initial temperature limit to 85 °F assures that the peak temperature will remain less than that reported previously. Therefore, the components cooled by the UHS will not be impacted and will be capable of performing their function as designed.

Based upon the analysis presented above, PP&L (Pennsylvania Power and Light Company) concludes that the proposed action does not involve an increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

This proposal does not create the probability of a new or different type of accident from any accident previously evaluated. The proposed change lowers the UHS surveillance requirement temperature so that the maximum post DBA UHS temperature is maintained less than that reported previously. Therefore the operation of the components cooled by the UHS will not be impacted and will be capable of performing their design function.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in the margin of safety.

The change does not involve a reduction in the margin of safety. The proposed change lowers the UHS surveillance temperature so that the maximum post DBA UHS temperature is maintained less than that reported previously. The margin of safety is unaffected since the maximum post DBA UHS temperature is not affected. Performance of equipment cooled by the UHS is unaffected.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, PA 18701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, DC 20037.

NRC Project Director: Robert A. Capra.

Pennsylvania Power and Light Company, Docket Nos. 50–387 and 50–388, Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of amendment request: March 16, 1998.

Description of amendment request: The proposed amendment would change the design basis and Technical Specifications to support the implementation of Hydrogen Water Chemistry.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

No Design Basis Event requiring functioning of the Main Steam Line Radiation monitors is defined in the FSAR. FSAR Section 7.2.1.1.4.2.(i) describing Main Steam Line Radiation monitoring states that for accidents resulting in gross fission

product release ''the primary variables for trip initiation would be reactor vessel low level, reactor vessel high pressure, or high neutron flux''. Because the Main Steam Line Radiation Monitors [MSLRM] trip function is not used in any accident analyses this proposed setpoint change does not involve an increase in the probability or consequences of an accident previously evaluated.

In conformance to SRP 15.4.9, the analysis of the design basis CRDA assumed release of activity by leakage from an isolated condenser. As described in the FSAR, the main steam line radiation monitors will shut down the mechanical vacuum pump if operating and close its suction valves, thus isolating the condenser in the event of a Main Steam Line-High Radiation trip. Operation of the mechanical vacuum pump following burst failures of fuel rods insufficient to cause a main steam line radiation monitor trip was evaluated to better understand the potential impacts of raising the setpoint. Doses calculated under conservative conditions were small compared to the acceptance criteria for offsite dose of 25% of 10 CFR part 100 limits for offsite dose for the CRDA and 10 CFR 50 limits for control room dose.

Relocation of the Main Condenser Offgas Treatment System Explosive Gas Monitoring System requirements to the FSAR Section 16.3 (Technical Requirements Manual (TRM)) and procedures involves the use of an alternate regulatory process for controlling the instrumentation requirements. The change does not introduce any new modes of plant operation, make any physical changes, alter any operational setpoints, or change the surveillance requirements. Any change in the Main Condenser Offgas Treatment System Explosive Gas Monitoring System requirements would be evaluated pursuant to the requirements of 10 CFR 50.59.

The Technical Specifications, the Explosive Gas Mixture description contained in LCO/Surveillance 3.11.2.6/4.11.2.6 and associated bases will be moved and retained in TS Section 6.0 ''Administrative Controls''. The LCO specific limit and program details will be relocated to the FSAR Section 16.3 (TRM) and procedures and any changes controlled by the 10 CFR 50.59 process. Therefore, this change does not involve an increase in the probability or consequences of an accident previously evaluated.

These proposed changes to Technical Specifications do not require physical changes to instrument channels other than the Main Steam Radiation Monitor setpoint, or to any systems or component that interfaces with the instrumentation channels, therefore there is no change in the probability or consequences of any accident analyzed in the FSAR.

Finally, revising the TS index is an administrative change.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed Main Steam Line Radiation setpoint change does not result in any design or physical configuration changes to the instrumentation channels. Operation incorporating the proposed change will not impair the instrumentation channels from performing as provided in the design basis.

Relocation of the Main Condenser Offgas Treatment System Explosive Gas Monitoring System requirements to the FSAR Section 16.3 (TRM) and procedures involves the use of an alternate regulatory process for controlling the instrumentation requirements. Therefore, the above change does not introduce any accident initiators as it does not involve any new modes of plant operation, make any physical changes, alter any operational setpoints, or change the surveillance requirements.

The Technical Specifications, the Explosive Gas Mixture description contained in LCO/Surveillance 3.11.2.6/4.11.2.6 and associated bases will be moved and retained in TS Section 6.0 ''Administrative Controls''. The LCO specific limit and program details involves the use of an alternate regulatory process for controlling the requirements.

Since the proposed changes to the Technical Specifications do not adversely impact the reliability of the safety required systems, no new or different kind of accident is created.

3. Involve a significant reduction in a margin of safety.

Raising the trip setpoint does not significantly reduce the sensitivity of the MSLRM's to alarm and initiate actions in response to gross fuel failures during power operation or to the design basis control rod drop accident. The source term assumed for the design basis CRDA greatly exceeds that required to initiate the main steam line high radiation trip. Raising the setpoint does not induce a delay in reaching the setpoint that would result in an increase in offsite dose from the design basis control rod drop accident. The delay time from fuel failure to monitor response is determined by the transport time for steam flow from the reactor vessel to the monitor location, which is not changed by either hydrogen water chemistry or by the monitor setpoint. Consequently, raising the trip setpoint will not result in an incremental increase in activity release, control room dose or offsite dose. Therefore, there is no reduction in the margin of safety for the design basis event.

The radiological consequences of small fuel rupture events, that would produce main steam line radiation levels below the proposed trip setpoint, are not significant. These postulated events were evaluated to better understand the potential impacts of raising the setpoint. The potential offsite doses from such an event, in the absence of a trip, would be small compared to the limits of 10 CFR part 50 for control room dose and to the acceptance criteria of 25% of 10 CFR part 100 limits for offsite dose from the design basis CRDA.

Relocation of the Main Condenser Offgas Treatment System Explosive Gas Monitoring System requirements to FSAR Section 16.3 (TRM) involves the use of an alternate regulatory process for controlling the instrumentation requirements. Any change in the Main Condenser Offgas Treatment System Explosive Gas Monitoring System requirements would be evaluated pursuant to the requirements of 10 CFR 50.59. Also, revising the TS index is an administrative change.

The Explosive Gas Mixture description contained in LCO/Surveillance 3.11.2.6/4.11.2.6 and associated bases will be moved and retained in TS Section 6.0 ''Administrative Controls''. The LCO specific limit and program details will be relocated to the FSAR Section 16.3 (TRM) and procedures and any changes controlled by the 10 CFR 50.59 process.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, PA 18701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, DC 20037.

NRC Project Director: Robert A. Capra.

STP Nuclear Operating Company, Docket Nos. 50–498 and 50–499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: February 16, 1998, as supplemented by letter dated April 2, 1998.

Description of amendment request: The proposed amendment request would revise Technical Specification 3/4.4.5, ''Steam Generators,'' and its Bases to allow the implementation of 1-volt voltage-based repair criteria for the steam generator tube support plate-to-tube intersections for Unit 2 in accordance with Generic Letter 95–05, and make related Unit 1 administrative changes for consistency of wording (the NRC had previously approved a similar 1-volt voltage-based repair criteria application for Unit 1). In addition, the proposed amendment would make an administrative change to Bases 3/4.4.6.2, ''Operational Leakage,'' to clarify that the allowable steam generator leakage specification applies to both Unit 1 and Unit 2.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

Structural Considerations

Industry testing of model boiler and operating plant tube specimens for free span tubing at room temperature conditions shows typical burst pressures in excess of 5000 psi for indications of ODSCC (outer diameter stress corrosion cracking) with voltage measurements at or below the current structural limit of 5.45 volts. One model boiler specimen with a voltage amplitude of 19 volts also exhibited a burst pressure greater than 5000 psi. Burst testing performed on one intersection pulled from STP (South Texas Project) Unit 1 in 1993 with a 0.51 volt indication yielded a measured burst pressure of 8900 psi at room temperature. Burst testing performed on another intersection pulled from STP Unit 1 in 1995 with a 0.48 volt indication yielded a measured burst pressure of 9950 psi at room temperature.

The next projected end-of-cycle (EOC) voltage compares favorably with the current structural limit considering the voltage growth rate for indications at STP. Using the methodology of Generic Letter 95–05, the structural limit is reduced by allowances for uncertainty and growth to develop a beginning-of-cycle (BOC) repair limit which should preclude EOC indications from growing in excess of the structural limit. The non-destructive examination (NDE) uncertainty to be applied per Generic Letter 95–05 is approximately 20%. The growth allowance will be 30%/EFPY [effective full power year] or a STP Unit 2-specific growth rate, to be calculated in accordance with Generic Letter 95–05, whichever is greater. Where the generator-specific growth rate exceeds both the Unit 2-specific average growth rate and 30%/EFPY, that generator-specific growth rate will be used for that generator. Each succeeding cycle upper voltage repair limit will also be conservatively established based on Generic Letter 95–05 methodology. By adding NDE uncertainty allowances and a growth allowance to the repair limit, the structural limit can be validated.

The upper voltage repair limit could be applied to bobbin coil voltages between the lower and upper repair limits to leave such indications in service independent of RPC [rotating pancake coil] confirmation. However, RPC-confirmed indications will be conservatively removed from service consistent with Generic Letter 95–05.

Leakage Considerations

As part of the implementation of voltage-based repair criteria, the distribution of EOC degradation indications at the TSP (tube support plate) intersections has been used to calculate the primary-to-secondary leakage which is bounded by the maximum leakage required to remain within the applicable dose limits of 10 CFR 100 (10 CFR part 100) and GDC (General Design Criterion) 19. This limit was calculated using the Technical Specification Reactor Coolant System (RCS) Iodine-131 transient spiking values consistent with NUREG–0800. Application of the voltage-based repair criteria requires the projection of postulated Main Steam Line Break (MSLB) leakage based on the projected EOC voltage distribution from the beginning of cycle voltage distribution. Projected EOC voltage distribution is developed using the most recent EOC eddy current results and a voltage measurement uncertainty. Draft NUREG–1477 and Generic Letter 95–05 require that all indications to which voltage-based repair criteria are applied must be included in the leakage projection.

The projected MSLB leakage rate calculation methodology prescribed in Generic Letter 95–05 will be used to calculate the EOC leakage. A Monte Carlo approach will be used to determine the EOC leakage, accounting for all of the bobbin coil eddy current test uncertainties, voltage growth, and an assumed probability of detection of 0.6. The fitted log-logistic probability of leakage correlation will be used to establish the MSLB leak rate for each cycle. This leak rate will be used for comparison with a bounding allowable leak rate in the faulted loop which would result in radiological consequences which are within the dose limits of 10 CFR part 100 for offsite doses and GDC 19 for control room doses. Due to the relatively low voltage levels of indications at STP to date and low voltage growth rates, it is expected that the actual calculated leakage values will be far less than this limit for each successive cycle.

Other Considerations

Those changes associated with grammatical corrections, deleting tube diameter information not applicable to South Texas, and applying the additional reporting requirements to Unit 2, are administrative and do not involve a change to, or the operation of, any safety-related system.

Therefore, implementation of voltage-based repair criteria does not adversely affect steam generator tube integrity and the radiological consequences will remain below the limits of 10 CFR part 100 and GDC 19. Operation of the facility in accordance with the proposed amendment would not result in any increase in the probability or consequences of an accident previously evaluated.

2. Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated.

Implementation of the proposed steam generator tube voltage-based repair criteria for ODSCC at the TSP intersections does not introduce any significant changes to the plant design basis. Use of the criteria does not provide a mechanism which could result in an accident outside of the region of the TSP elevations because the criteria do not apply outside the thickness of the TSPs. It is therefore expected that for all plant conditions, neither a single nor multiple tube rupture event would likely occur in a steam generator where voltage-based repair criteria has been applied.

Specifically, STP has implemented a maximum leakage rate of 150 gpd [gallons-per-day] per steam generator to help preclude the potential for excessive leakage during all plant conditions. The draft Reg Guide 1.121 criterion for establishing operational leakage rate limits governing plant shutdown is based upon leak-before-break (LBB) considerations to detect a free span crack before potential tube rupture as a result of faulted plant conditions. The 150 gpd limit is intended to provide for leakage detection and plant shutdown in the event of unexpected crack propagation outside the tube support plate thickness resulting in excessive leakage. Draft Reg Guide 1.121 acceptance criteria for establishing operating leakage limits are based on LBB considerations such that plant shutdown is initiated if permissible degradation is exceeded.

Thus, the 150 gpd limit provides for plant shutdown prior to reaching critical degradation lengths. Additionally, the leak-before-break evaluation assumes that the entire crevice area is uncovered during the secondary side blowdown of a MSLB. Typically, it is expected for the vast majority of intersections, that only partial uncovery will occur. Therefore, the proximity of the TSP will enhance the burst capacity of the tube.

Steam generator tube integrity is continually maintained through inservice inspection and primary-to-secondary leakage monitoring. Any tubes falling outside the voltage-based repair criteria limits are removed from service.

Those changes associated with grammatical corrections, deleting tube diameter information not applicable to South Texas, and applying the additional reporting requirements to Unit 2, are administrative and do not involve a change to, or the operation of, any safety-related system.

Therefore, operating the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety.

The use of the voltage-based bobbin probe for dispositioning ODSCC degraded tubes within TSP intersections is demonstrated to maintain steam generator tube integrity in accordance with the requirements of draft Reg Guide 1.121. Draft Reg Guide 1.121 describes a method acceptable to the NRC staff for meeting GDCs 14, 15, 31, and 32 by reducing the probability or the consequences of steam generator tube rupture. This is accomplished by determining the limiting conditions of degradation of steam generator tubing, as established by inservice inspection, for which tubes with unacceptable degradation are removed from service. Upon implementation of the criteria, even under the worst case conditions, the occurrence of ODSCC at the TSP elevation is not expected to lead to a steam generator tube rupture event during normal or faulted plant conditions. The EOC distribution of indications at the TSP elevations for each successive cycle will be confirmed to result in acceptable primary-to-secondary leakage during all plant conditions.

In addressing the combined effects of loss of coolant accident (LOCA) and safe shutdown earthquake (SSE) on the steam generators, as required by GDC 2, it has been determined that tube collapse may occur in the steam generators at some plants. This is not the case at STP Unit 2 as the TSPs do not become sufficiently deformed as a result

of lateral loads at the wedge supports at the periphery of the plate due to the combined effects of the leak-before-break-limited LOCA rarefaction wave and SSE loadings to affect tube integrity.

Because the leak-before-break methodology is applicable to the STP reactor coolant loop piping, the probability of breaks in the primary loop piping is sufficiently low that they need not be considered in the structural design of the plant. Implementation practices using the bobbin probe voltage based tube plugging criteria bounds Reg Guide 1.83, Rev. 1, considerations by:

(1) Using enhanced eddy current inspection guidelines consistent with those used by EPRI in developing the correlations. This provides consistency in voltage normalization.

(2) Performing a 100% bobbin coil inspection for all hot leg tube support plate intersections and all cold leg intersections down to the lowest cold leg tube support plate with known ODSCC indications at each cycle. The determination of the tube support plate intersections having ODSCC indications shall be based on the performance of at least a 20% random sampling of tubes inspected over their full length, and

(3) Incorporating rotating pancake coil inspection for all tubes with bobbin voltages greater than 1.0 volt. This further establishes the principal degradation morphology as ODSCC.

Implementation of voltage-based repair criteria at TSP intersections will decrease the number of tubes which must be repaired at each subsequent inspection. Since the installation of tube plugs to remove ODSCC degraded tubes from service reduces the RCS flow margin, voltage-based repair criteria implementation will help preserve the margin of flow.

For each cycle the projected EOC primary-to-secondary leak rate allowed is bounded by a leak rate which limits the radiological consequences of a EOC MSLB to within the dose limits of 10CFR100 for offsite doses and 10CFR50, Appendix A, General Design Criteria (GDC) 19 for control room doses. Therefore, this change does not involve a significant reduction in the margin to safety.

The assessment of radiological consequences of an assumed steam line break applicable to STP Unit 1 was provided in Attachment 2 to ST–HL–AE–5359 on May 2, 1996. The submittal was made in response to questions from the Emergency Preparedness and Radiation Protection Branch and is applicable to Unit 2 as well. The staff concluded that the thyroid doses for the Exclusion Area Boundary (EAB), Low Population Zone (LPZ), and control room are within the acceptance criteria.

Those changes associated with grammatical corrections, deleting tube diameter information not applicable to South Texas, and applying the additional reporting requirements to Unit 2, are administrative and do not involve a change to, or the operation of, any safety-related system.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request for amendments involves no significant hazards consideration.

Local Public Document Room location: Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton, TX 77488.

Attorney for licensee: Jack R. Newman, Esq., Morgan, Lewis & Bockius, 1800 M Street, NW., Washington, DC 20036–5869.

NRC Project Director: John N. Hannon.

Previously Published Notices of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed no Significant Hazards Consideration Determination, and Opportunity For a Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Carolina Power & Light Company, et al., Docket No. 50–400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Date of amendment request: April 24, 1998.

Brief description of amendment: The proposed amendment would revise Technical Specification 3/4.3.2, ''Engineered Safety Features Actuation System Instrumentation'' to allow a 2-hour surveillance interval to facilitate testing of the 6.9 kV Emergency Bus Undervoltage relays.

Date of publication of individual notice in the **Federal Register**: May 4, 1998 (63 FR 24574).

Expiration date of individual notice: May 18, 1998 for comments; June 3, 1998 for hearings.

Local Public Document Room location: Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina 27605.

Northeast Nuclear Energy Company, Docket No. 50–423, Millstone Nuclear Power Station, Unit No. 3, New London, County, Connecticut

Date of amendment request: April 7, 1998.

Description of amendment request: The proposed amendment would replace the pressurizer maximizer water inventory requirement with a pressurizer maximizer indicated level requirement.

Date of publication of individual notice in **Federal Register**: April 23, 1998 (63 FR 20219)

Expiration date of individual notice: May 26, 1998.

Local Public Document Room location: Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, Connecticut, and the Waterford Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, Connecticut.

Northeast Nuclear Energy Company, Docket No. 50–423, Millstone Nuclear Power Station, Unit 3, New London, County, Connecticut

Date of amendment request: April 14, 1998.

Description of amendment request: The proposed amendment addresses an earlier identified condition relating to the plant operators' ability to meet the operator response time of 10 minutes assumed in Chapter 15 of the Final Safety Analysis Report for termination of an Inadvertent Safety Injection event.

Date of publication of individual notice in **Federal Register**: April 20, 1998 (63 FR 19532).

Expiration date of individual notice: May 20, 1998.

Local Public Document Room location: Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, Connecticut, and the Waterford Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, Connecticut.

Pennsylvania Power and Light Company, Docket Nos. 50–387 and 50–388 Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of amendment request: August 1, 1996, as supplemented on March 2, 1998.

Brief description of amendment request: The proposed amendments would revise the Technical Specifications as follows: (1.n.) Change the surveillance requirement frequency for verification that the average planar

heat generation rate, minimum critical power ratio, linear heat generation rate, and average power range monitor gain and setpoint are within specified limits. Specifically, the frequency would be changed from within 12 hours after completion of a thermal power increase of at least 15 percent of rated thermal power (RTP) to once within 24 hours after greater than or equal to 25 percent RTP, 24 hours thereafter, and prior to exceeding 50 percent RTP; (2.o.) Change the surveillance requirement for the verification of the average power range monitor flow biased simulated thermal power-high time constant from 6 seconds plus or minus 1 second to less than 7 seconds. The lower limit of 5 seconds will be relocated to plant procedures since it is not a condition for operability of this reactor protection system function; (3.p.) Change the frequency of surveillance requirement for rod worth minimizer channel functional test; and (4.q.) Relocate the main steam line radiation monitor reactor protection system and isolation trips from the Technical Specifications to the plant-controlled Technical Requirements Manual.

Date of publication of individual notice in **Federal Register**: 1.n. April 27, 1998 (63 FR 20664); 2.o. April 27, 1998 (63 FR 20669); 3.p. April 27, 1998 (63 FR 20665); 4.q. April 27, 1998 (63 FR 20667).

Expiration date of individual notices: May 27, 1998 (all 4 notices).

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, PA 18701.

Power Authority of The State of New York, Docket No. 50–286, Indian Point Nuclear Generating Unit No. 3, Westchester County, New York

Date of application for amendment: February 27, 1998.

Brief Description of amendment: The amendment revised the Technical Specifications by revising the pressure-temperature and overpressure limits.

Date of publication of individual notice in **Federal Register**: March 9, 1998 (63 FR 11456).

Expiration date of individual notice: April 8, 1998.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Tennessee Valley Authority, Docket No. 50–390 Watts Bar Nuclear Plant, Unit 1, Rhea County, Tennessee

Date of application for amendment: April 29, 1998.

Brief description of amendments: To amend the Watts Bar Nuclear Plant, Unit 1, Technical Specifications (TS) for the Hydrogen Mitigation System igniters. The amendment revises the TS limiting condition for operation, LCO 3.6.8, to provide temporary requirements for hydrogen ignitors to address the two Train A ignitors which are currently out of service.

Date of publication of individual notice in the **Federal Register**: May 7, 1998 (63 FR 25243).

Expiration date of individual notice: June 8, 1998.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, TN 37402.

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document rooms for the particular facilities involved.

Baltimore Gas and Electric Company, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of application for amendments: December 4, 1996, as supplemented March 27, June 9, June 18, July 21, August 14, August 19, September 10, October 6, October 20, October 23, November 5, 1997, and January 12, January 28 and March 16, 1998.

Brief description of amendments: The amendments include the following:

1. The amendments added a new surveillance requirement (SR) 3.4.9.2 to the Improved Technical Specifications (ITS) which requires verification that the capacity of each required bank of pressurizer heaters is equal to or greater than 150 kW every 24 months.

2. The amendments changed the current TS applicability for the pressurizer safety valves for Mode 3 to specify that two safety valves shall be operable with all reactor coolant system (RCS) cold leg temperature ≤365 °F for Unit 1 and >301 °F for Unit 2. This is a less restrictive change.

3. As part of the conversion to the ITS, the amemdment changed a requirement that the power-operated relief valves be demonstrated operable by performing a channel functional test once per 31 days to once per 92 days.

4. The ITS LCO 3.4.1.3 eliminated the limit of 1 gpm total primary-to-secondary leakage through all steam generators and thus will only require a limit of 100 gallons per day through any one steam generator. This is an administrative change.

5. The amendment retains the requirement of SR 4.5.2.f.2 and specifies a frequency of 24 months. The amendment also adds a new SR 3.5.2.7 which requires verification that each LPSI pump stops on an actual or simulated actuation signal.

6. The amendment regarding the control room emergency ventilation system (CREVS) changes the surveillance interval from 18 months to 24 months (each refueling cycle) for SR 4.7.6.1.e.2 requires that each train of CREVS is demonstrated operable at least once every 18 months by verifying that on a control room high radiation test signal, the system automatically switches into a recirculation mode of operation with flow through the HEPA filter and charcoal adsorber banks and that both of the isolation valves in each duct and common exhaust duct, and isolation valve in the toilet exhaust area duct, close. The above change is less restrictive.

7. The amendment changes the surveillance interval regarding the control room emergency temperature system (CRETS) from 62 days on a staggered basis (one train every 31 days) to 24 months (each refueling interval) for SR 4.7.6.1.a.

8. The amendment changes the surveillance interval regarding the spent fuel pool exhaust ventilation system (SFPEVS) from 18 months to 24 months (each refueling interval) for SR 4.9.12.d. This is a less restrictive change.

9. The amendment changes the surveillance interval regarding the penetration room exhaust ventilation system (PREVS) from 18 months to 24 months (each refueling interval) for SR 4.6.6.1.d.2.

Date of issuance: May 4, 1998.

Effective date: As of the date of issuance to be implemented by August 31, 1998.

Amendment Nos.: 227 and 201.

Facility Operating License Nos. DPR–53 and DPR–69: Amendments revised the Technical Specifications in its entirety.

Date of initial notice in **Federal Register**: March 6, 1998 (63 FR 11312) The Commission's related evaluation of these amendments is contained in a Safety Evaluation dated May 4, 1998.

No significant hazards consideration comments received: No.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland 20678.

Carolina Power & Light Company, et al., Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of application for amendments: October 29, 1997, as supplemented January 28 and April 20, 1998.

Brief Description of amendments: The amendments update the Technical Specification description of Control Rod Assemblies to allow for boron carbide or hafnium absorber materials, as approved by the NRC staff.

Date of issuance: April 27, 1998.

Effective date: April 27, 1998.

Amendment Nos.: 193 and 224.

Facility Operating License Nos. DPR–71 and DPR–62: Amendments change the Technical Specifications.

Date of initial notice in **Federal Register**: December 17, 1997 (62 FR 66137) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 27, 1998.

No significant hazards consideration comments received: No.

Local Public Document Room location: University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403–3297.

Commonwealth Edison Company, Docket Nos. STN 50–454 and STN 50–455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois

Date of application for amendments: November 7, 1997, as supplemented on March 24, 1998, and April 9, 1998.

Brief description of amendments: The amendments defer the next scheduled Type A containment integrated leak rate test for Byron, Unit 2, until the next refueling outage in 1999.

Date of issuance: May 8, 1998.

Effective date: Immediately, to be implemented within 30 days.

Amendment Nos.: 102 and 102.

Facility Operating License Nos. NPF–37 and NPF–66: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register**: April 7, 1998 (63 FR 17036) The April 9, 1998, supplement provided clarifying information which did not change the staff's initial proposed no significant hazards consideration.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 8, 1998.

No significant hazards consideration comments received: No.

Local Public Document Room location: Byron Public Library District, 109 N. Franklin, P.O. Box 434, Byron, Illinois 61010.

Commonwealth Edison Company, Docket Nos. 50–373 and 50–374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Date of application for amendments: September 26, 1997, as supplemented on April 7, 1998.

Brief description of amendments: The amendments revise Technical Specification 3.6.1.8 to prohibit the simultaneous opening of the drywell and suppression chamber purge system isolation valves and revise the surveillance requirements of TS 3/4.6.5.3, ''Standby Gas Treatment System'' to upgrade the filter testing methods to more current industry standards. This amendment approves only a portion of the request dated September 26, 1997. The remainder of the request will be addressed in separate correspondence.

Date of issuance: April 27, 1998.

Effective date: Immediately, to be implemented prior to startup of LaSalle, Unit 1, from the current outage and prior to restart of LaSalle, Unit 2, from the current outage.

Amendment Nos.: 125 and 110.

Facility Operating License Nos. NPF–11 and NPF–18: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register**: November 19, 1997 (62 FR 61840) The April 7, 1998, submittal provided additional clarifying information that did not change the initial proposed no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 27, 1998.

No significant hazards consideration comments received: No.

Local Public Document Room location: Jacobs Memorial Library, Illinois Valley Community College, Oglesby, Illinois 61348.

Consumers Energy Company, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of application for amendment: December 11, 1995, as supplemented January 18, September 3, October 2, October 18, and October 25, 1996, and March 28, 1997.

Brief description of amendment: The amendment revises administrative controls technical specifications (TS) and related surveillance requirements. Amendment 174, issued on October 31, 1996, provided a partial response to the licensee's request. This amendment completes action on the request.

NRC has also granted the request of Consumers Energy to withdraw a portion of its December 11, 1996, application. The proposed change would have deleted the requirements of current TS 4.5.4, ''Surveillance for Prestressing System,'' TS 4.5.5, ''End Anchorage Concrete Surveillance,'' and TS 4.5.8, ''Dome Delamination Surveillance,'' and replaced the requirements with proposed TS 6.5.5, ''Containment Structural Integrity Surveillance Program.'' However, by letter dated March 28, 1997, the licensee withdrew the proposed change. In addition, the staff has denied a portion of the amendment request regarding limitations on the dose rates resulting from radioactive material released in gaseous effluents to areas beyond the site boundary. A separate Notice of Partial Denial of Amendment to Facility Operating License and Opportunity for Hearing has been published in the **Federal Register**. For further details with respect to these actions, see the application for amendment dated December 11, 1996, as supplemented above, the licensee's letter dated March 28, 1997, which withdrew this portion of the application for license amendment, and the staff's Safety Evaluation enclosed with the

amendment. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room listed below.

Date of issuance: May 7, 1998.

Effective date: May 7, 1998, to be implemented within 60 days from date of issuance.

Amendment No.: 181.

Facility Operating License No. DPR–20: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: September 20, 1996 (61 FR 49493) The October 2, October 18, and October 25, 1996, and March 28, 1997, letters provided clarifying information and updated TS pages that were within the scope of the original **Federal Register** notice and did not change the staff's initial proposed no significant hazards considerations determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 7, 1998.

No significant hazards consideration comments received: No.

Local Public Document Room location: Van Wylen Library, Hope College, Holland Michigan 49423.

Consumers Energy Company, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of application for amendment: December 27, 1995, as supplemented September 4, October 18, and November 26, 1996, June 27 and November 21, 1997, and January 29, and April 10, 1998.

Brief description of amendment: The amendment revises specification requirements and associated bases regarding the electrical power systems to closely emulate the Standard Technical Specifications for Combustion Engineer Plants, NUREG–1432, Revision 1.

Date of issuance: April 29, 1998.

Effective date: The license amendment is effective as of the date of issuance with full implementation within 60 days after Cold Shutdown following completion of the 1998 refueling outage, but no later than October 2, 1998.

Amendment No.: 180.

Facility Operating License No. DPR–20: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: April 9, 1997 (62 FR 17229) The June 27 and November 21, 1997, and January 29 and April 10, 1998, letters provided clarifying information that was within the scope of the original **Federal Register** notice and did not change the staff's initial proposed no significant hazards considerations determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 29, 1998.

No significant hazards consideration comments received: No.

Local Public Document Room location: Van Wylen Library, Hope College, Holland, Michigan 49423.

Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, and Entergy Mississippi, Inc., Docket No. 50–416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of application for amendment: September 18, 1997, as supplemented by letter dated February 24, 1998.

Brief description of amendment: The amendment decreases the safety limit for the minimum critical power ratio (MCPR) from 1.12 to 1.11 for two recirculation loop operation and from 1.14 to 1.12 for single recirculation loop operation in Technical Specification (TS) 2.1.1.2. Because the proposed amendment is for Cycle 10 operation, the amendment would also revise the footnotes to TSs 2.1.1.2 and 5.6.5 to state that the MCPR values and the items 19 and 20, two topical reports being added to the core operating limits report in TS 5.6.5, are ''applicable only for Cycle 10 operation.'' Cycle 10 operation begins at the plant restart from the current refueling outage No. 9.

Date of issuance: May 8, 1998.

Effective date: May 8, 1998.

Amendment No: 136.

Facility Operating License No. NPF–29: Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register**: October 22, 1998 (62 FR 54872) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 8, 1998.

No significant hazards consideration comments received: No.

Local Public Document Room location: Judge George W. Armstrong Library, 220 S. Commerce Street, Natchez, MS 39120.

Florida Power Corporation, et al., Docket No. 50–302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of application for amendment: October 4, 1997.

Brief description of amendment: To revise the Final Safety Analysis Report (FSAR) and the Improved Technical Specification (TS) Bases to reflect the modified reactor building fan control logic for fan AHF–1C.

Date of issuance: April 29, 1998.

Effective date: April 29, 1998.

Amendment No.: 166.

Facility Operating License No. DPR–72: Amendment revised the updated FSAR and TS Bases.

Date of initial notice in **Federal Register**: November 13, 1997 (62 FR 60921) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 29, 1998.

No significant hazards consideration comments received: No.

Local Public Document Room location: Coastal Region Library, 8619 W. Crystal Street, Crystal River, Florida 32629.

Florida Power and Light Company, et al., Docket No. 50–335, St. Lucie Plant, Unit No. 1, St. Lucie County, Florida

Date of application for amendment: July 22, 1997.

Brief description of amendment: The amendment will incorporate a recent evaluation of a postulated inadvertent opening of a main steam safety valve into the current licensing basis for St. Lucie Unit 1.

Date of Issuance: April 30, 1998.

Effective Date: April 30, 1998.

Amendment No.: 154.

Facility Operating License No. NPF–16: Amendment revised the Updated Final Safety Evaluation Report.

Date of initial notice in **Federal Register**: August 27, 1997 (62 FR 45457) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 30, 1998.

No significant hazards consideration comments received: No.

Local Public Document Room location: Indian River Community College Library, 3209 Virginia Avenue, Fort Pierce, Florida 34981–5596.

Northern States Power Company, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Units 1 and 2, Goodhue County, Minnesota

Date of application for amendments: March 6, 1998, as supplemented March 30, March 31, and April 13, 1998.

Brief description of amendments: The amendments update the Technical Specification heatup and cooldown rate curves and extend their reactor vessel fluence limit from the current 20 effective full power years (EFPYs) to a new value of 35 EFPYs, incorporate into Technical Specifications the use of a Pressure and Temperature Limits Report, and change the power-operated relief valves temperature requirement for operability.

Date of issuance: May 4, 1998.

Effective date: May 4, 1998, with full implementation within 30 days.

Amendment Nos.: 135, 127.

Facility Operating License Nos. DPR–42 and DPR–60. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register**: March 27, 1998 (63 FR 14972) The March 30, March 31, and April 13, 1998, letters provided clarifying information and updated Technical Specification pages within the scope of the original **Federal Register** notice and did not change the staff's initial proposed no significant hazards considerations determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 4, 1998.

No significant hazards consideration comments received: No.

Local Public Document Room location: Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Philadelphia Electric Company, Docket No. 50–352, Limerick Generating Station, Unit 1, Montgomery County, Pennsylvania.

Date of application for amendment: February 9, 1998, as supplemented April 8 and 24, 1998.

Brief description of amendment: The amendment revises the minimal critical power ratio safety limits for operation Cycle 8.

Date of issuance: May 4, 1998.

Effective date: As of date of issuance, and shall be implemented within 30 days.

Amendment No.: 127.

Facility Operating License No. NPF–39: This amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: February 25, 1998 (63 FR 9613) The April 8 and 24, 1998, letters provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 4, 1998.

No significant hazards consideration comments received: No.

Local Public Document Room location: Pottstown Public Library, 500 High Street, Pottstown, PA 19464.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama.

Date of amendments request: February 14, 1997, as supplemented by letters dated June 20, August 5, September 22, November 19, December 9, December 17, and December 31, 1997, January 23, February 12, February 26, March 3, March 6, March 16, April 3, April 13, and two letters on April 17, 1998.

Brief Description of amendments: The amendments change the maximum reactor core power level for facility operation from 2652 megawatts-thermal (MWt) to 2775 MWt for the Joseph M. Farley Nuclear Plant, Units 1 and 2. The amendments also approve changes to the Technical Specifications to implement uprated power operation.

Date of issuance: April 29, 1998.

Effective date: As of the date of issuance to be implemented prior to entering Mode 4 for Cycle 16 (fall 1998) for Unit 1 and prior to entering Mode 4 for Cycle 13 (spring 1998) for Unit 2.

Amendment Nos.: Unit 1—137; Unit 2—129.

Facility Operating License Nos. NPF–2 and NPF–8: Amendments revise the Technical Specifications, Operating Licenses, and adds a new Appendix C to the Operating Licenses.

Date of initial notice in **Federal Register**: October 8, 1997 (62 FR 52588) The November 19, December 9, December 17, and December 31, 1997, January 23, February 12, February 26, March 3, March 6, March 16, April 3, April 13, and two letters on April 17, 1998, provided additional and clarifying information that did not change the scope of the February 14, 1997, application and the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 29, 1998, and an Environmental Statement was prepared and dated April 17, 1998.

No significant hazards consideration comments received: No.

Local Public Document Room location: Houston-Love Memorial Library, 212 W. Berdache Street, Post Office Box 1369, Dothan, Alabama.

TU Electric Company, Docket Nos. 50–445 and 50–446, Comanche Peak Steam Electric Station, Unit Nos. 1 and 2, Somervell County, Texas.

Date of amendment request: April 9, 1998 (TXX–98107).

Brief description of amendments: The proposed amendment would allow on a one time basis, the verification of the proper operation of the Unit 2 load shed seal-in contacts and the diesel generator trip bypass contacts at power and crediting performance of Surveillance Requirements (SR) 4.8.1.1.2f.4) and 4.8.1.1.2f.6), at power as opposed to ''during shutdown'' as currently required by those SR. The proposed amendment would also allow on a one time basis the verification of the proper operation of the Unit 2 lockout relays and contacts to be deferred until the startup from the Unit 2 fourth refueling outage (2RFO4) or earlier outage to at least MODE 3.

Date of issuance: May 8, 1998.

Effective date: May 8, 1998.

Amendment Nos.: Unit 1—Amendment No. 59; Unit 2—Amendment No. 45.

Facility Operating License Nos. NPF–87 and NPF–89: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register**: April 20, 1998, (63 FR 19534). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 8, 1998.

No significant hazards consideration comments received: No.

Local Public Document Room location: University of Texas at Arlington Library, Government Publications/Maps, 702 College, P.O. Box 19497, Arlington, TX 76019.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri.

Date of application for amendment: August 8, 1997, as supplemented by letter dated November 10, 1997.

Brief description of amendment: The amendment revises the feedwater isolation engineered safety feature actuation system (ESFAS) functions in Technical Specification Tables 3.3–3, 3.3–4, and 4.3–2.

Date of issuance: April 23, 1998.

Effective date: April 23, 1998, to be implemented within 30 days from the date of issuance.

Amendment No.: 126.

Facility Operating License No. NPF–30: The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: December 17, 1997 (62 FR 66144) The November 10, 1997, supplemental letter provided additional clarifying information that did not change the staff's original no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 23, 1998.

No significant hazards consideration comments received: No.

Local Public Document Room location: University of Missouri—Columbia, Elmer Ellis Library, Columbia, Missouri 65201–5149.

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: February 4, 1998.

Brief description of amendment: The amendment would revise Technical Specification 3.2.4, ''Quadrant Power Tilt Ratio,'' (QPTR) and its associated Bases to reflect (1) a change in the action for determining QPTR when QPTR is above 1.02, (2) a change in the completion time for resetting the power range neutron flux-high trip setpoints after QPTR is determined to be above 1.02, and (3) deletion of actions requiring QPTR to be restored within 24 hours, QPTR to be verified during a return to power operation, resetting the power range neutron flux-high trip setpoint to less than 55 percent following a power reduction to 50 percent reactor thermal power or below, and actions for QPTR in excess of 1.09.

Date of issuance: April 27, 1998.

Effective date: April 27, 1998, to be implemented within 60 days from the date of issuance.

Amendment No.: 116.

Facility Operating License No. NPF–42: The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: March 25, 1998 (63 FR 14489) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 27, 1998.

No significant hazards consideration comments received: No.

Local Public Document Room locations: Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621.

Dated at Rockville, MD., this 13th day of May 1998.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Acting Director, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 98–13223 Filed 5–19–98; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

May 1, 1998.

This report is submitted in fulfillment of the requirement of Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344). Section 1014(e) requires a monthly report listing all budget authority for the current fiscal year for which, as of the first day of the month, a special message had been transmitted to Congress.

This report gives the status, as of May 1, 1998, of 24 rescission proposals and eight deferrals contained in two special messages for FY 1998. These messages were transmitted to Congress on February 3 and February 20, 1998.

Rescissions (Attachments A and C)

As of May 1, 1998, 24 rescission proposals totaling $20 million had been transmitted to the Congress. Congress approved 21 of the Administration's rescission proposals in P.L. 105–174. A total of $17.3 million of the rescissions proposed by the President was rescinded by that measure. Attachment C shows the status of the FY 1998 rescission proposals.

Deferrals (Attachments B and D)

As of May 1, 1998, $3,293 million in budget authority was being deferred from obligation. Attachment D shows the status of each deferral reported during FY 1998.

Information From Special Messages

The special messages containing information on the rescission proposals and deferrals that are covered by this cumulative report are printed in the editions of the **Federal Register** cited below:

63 FR 7004, Wednesday, February 11, 1998

63 FR 10076, Friday, February 27, 1998

Franklin D. Raines,

Director.

Attachments

ATTACHMENT A.—STATUS OF FY 1998 RESCISSIONS

[In millions of dollars]

	Budgetary resources
Rescissions proposed by the President	20.1
Rejected by the Congress	
Amounts rescinded by P.L. 105–174, the FY 1998 Supplemental Appropriations and Rescissions Act	–17.3
Currently before the Congress	2.8

ATTACHMENT B.—STATUS OF FY 1998 DEFERRALS

[In millions of dollars]

	Budgetary resources
Deferrals proposed by the President	4,833.0
Routine Executive releases through May 1, 1998 (OMB/Agency releases of $1,540.1 million, partially offset by cumulative positive adjustment of $0.3 million)	–1,539.8
Overturned by the Congress	
Currently before the Congress	3,293.2

ATTACHMENT C.—STATUS OF FY 1998 RESCISSION PROPOSALS—AS OF MAY 1, 1998

[Amounts in thousands of dollars]

Agency/bureau/account	Amounts pending before Congress			Date of message	Previously withheld and made available	Date made available	Amount rescinded	Congressional action
	Rescission No.	Less than 45 days	More than 45 days					
DEPARTMENT OF AGRICULTURE								
Agricultural Research Service:								
Agricultural Research Service	R98–1	.....	223	2–20–98	.....	.....	223	P.L. 105–174.
Animal and Plant Health Inspection Service:								
Salaries and expenses	R98–2	.....	350	2–20–98	.....	.....	350	P.L. 105–174.
Food Safety and Inspection Service:								
Salaries and expenses	R98–3	.....	502	2–20–98	.....	.....	502	P.L. 105–174.
Grain Inspection, Packers and Stockyards Administration:								
Salaries and expenses	R98–4	.....	38	2–20–98	.....	.....	38	P.L. 105–174.
Agricultural Marketing Service:								
Marketing services	R98–5	.....	25	2–20–98	.....	.....	25	P.L. 105–174.
Farm Service Agency:								
Salaries and expenses	R98–6	.....	1,080	2–20–98	.....	.....	1,080	P.L. 105–174.
Natural Resources Conservation Service:								
Conservation operations	R98–7	.....	378	2–20–98	.....	.....	378	P.L. 105–174.
Rural Housing Service:								
Salaries and expenses	R98–8	.....	846	2–20–98	.....	.....	846	P.L. 105–174.
Food and Nutrition Service:								
Child nutrition programs	R98–9	.....	114	2–20–98	([1])	.....	.....	
Forest Service:								
National forest systems	R98–10	.....	1,094	2–20–98	.....	.....	1,094	P.L. 105–174.
Reconstruction and construction	R98–11	.....	30	2–20–98	.....	.....	30	P.L. 105–174.
Forest and rangeland research	R98–12	.....	148	2–20–98	.....	.....	148	P.L. 105–174.
State and private forestry	R98–13	.....	59	2–20–98	.....	.....	59	P.L. 105–174.
Wildland fire management	R98–14	.....	148	2–20–98	.....	.....	148	P.L. 105–174.
DEPARTMENT OF THE INTERIOR								
Bureau of Land Management:								
Management of lands and resources.	R98–15	.....	1,188	2–20–98	.....	.....	1,188	P.L. 105–174.
Oregon and California grant lands	R98–16	.....	2,500	2–20–98	.....	.....	2,500	P.L. 105–174.
Bureau of Reclamation:								
Water and related resources	R98–17	.....	532	2–20–98	([1])	.....	.....	P.L. 105–174.
Bureau of Mines:								
Mines and minerals	R98–18	.....	1,605	2–20–98	.....	.....	1,605	P.L. 105–174.
United States Fish and Wildlife Service:								
Construction	R98–19	.....	1,188	2–20–98	.....	.....	1,188	P.L. 105–174.
National Park Service:								
Construction	R98–20	.....	1,638	2–20–98	.....	.....	1,638	P.L. 105–174.
Bureau of Indian Affairs:								
Construction	R98–21	.....	737	2–20–98	.....	.....	737	P.L. 105–174.
DEPARTMENT OF TRANSPORTATION								
Office of the Secretary:								
Payments to air carriers	R98–22	.....	2,499	2–20–98	.....	.....	2,499	P.L. 105–174.
Payments to air carriers (Airport and airway trust fund).	R98–23	.....	1,000	2–20–98	.....	.....	1,000	P.L. 105–174.
Maritime Administration:								
Maritime guaranteed loan (Title XI) program account.	R98–24	.....	2,138	2–20–98	([1])	.....	.....	
Total, rescissions		0	20,060	.....	0	.....	17,276	

[1] Funds were never withheld from obligation.

ATTACHMENT D.—STATUS OF FY 1998 DEFERRALS—AS OF MAY 1, 1998

[Amounts in thousands of dollars]

Agency/bureau/account	Amounts transmitted			Date of message	Releases (−)		Congressional action	Cumulative adjustments	Amount deferred as of 5–1–98
	Deferral No.	Original request	Subsequent change (+)		Cumulative OMB/agency	Congressionally required			
FUNDS APPROPRIATED TO THE PRESIDENT									
International Security Assistance:									
Economic support fund and International Fund for Ireland.	D98–1	2,330,098	.....	2–3–98	1,317,684	.....	.....	328	1,012,742
International military education and training.	D98–2	43,300	.....	2–3–98	41,900	.....	.....	.....	1,400
Foreign military financing program.	D98–3	1,483,903	.....	2–3–98	160,253	.....	.....	.....	1,323,650
Foreign military financing loan program.	D98–4	60,000	.....	2–3–98	.....	.....	.....	.....	60,000
Foreign military financing direct loan financing account.	D98–5	657,000	.....	2–3–98	.....	.....	.....	.....	657,000
Agency for International Development:									
International disaster assistance, Executive.	D98–6	135,697	.....	2–3–98	20,250	.....	.....	.....	115,447
DEPARTMENT OF STATE									
Other:									
United States emergency refugee and migration assistance fund.	D98–7	115,640	.....	2–3–98	.....	.....	.....	.....	115,640
SOCIAL SECURITY ADMINISTRATION									
Limitation on administrative expenses.	D98–8	7,369	.....	2–3–98	.....	.....	.....	.....	7,369
Total, Deferrals		4,833,007	0	.....	1,540,087	.....	.....	328	3,293,248

[FR Doc. 98–13339 Filed 5–19–98; 8:45 am]

BILLING CODE 3110–01–M

PENSION BENEFIT GUARANTY CORPORATION

Approval of Special Withdrawal Liability Rules; International Longshoremen's and Warehousemen's Union-Pacific Maritime Association Pension Plan

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of approval.

SUMMARY: The Pension Benefit Guaranty Corporation (''PBGC''), pursuant to section 4203(f) of the Employee Retirement Income Security Act of 1974, as amended, has granted a request on behalf of the International Longshoremen's and Warehousemen's Union-Pacific Maritime Association Pension Plan for approval of a plan amendment modifying special withdrawal liability rules, which rules were approved by PBGC on January 30, 1984 (See Approval of Special Withdrawal Liability Rules (''Notice of Approval''), 49 FR 6043 (February 16, 1984)). A Notice of Pendency of the Request for Approval was published on February 3, 1998 (63 FR 5573) (''Notice of Pendency''). The effect of this notice is to advise the public of the decision on the request.

ADDRESSES: The request for approval and PBGC's response to the request are available for public inspection between the hours of 9 a.m. and 4 p.m., Monday through Friday, at PBGC's Communications and Public Affairs Department, Suite 240, 1200 K Street, NW., Washington, DC 20005–4026.

FOR FURTHER INFORMATION CONTACT: Gennice D. Brickhouse, Attorney, Office of the General Counsel (22500), Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026; Telephone 202–326–4020 (For TTY and TDD, call the Federal relay service at 1–800–877–8339 and ask to be connected to 202–326–4020).

SUPPLEMENTARY INFORMATION:

Background

Under section 4203(f) of the Employee Retirement Income Security Act of 1974 (''ERISA'') as amended, PBGC may prescribe regulations under which plans in industries other than the construction or entertainment industries may be amended to provide for special withdrawal liability rules similar to the

rules prescribed in section 4203 (b) and (c) of ERISA for the construction and entertainment industries. Section 4203(f)(2) of ERISA provides that such regulations shall permit the use of special withdrawal liability rules only in industries (or portions thereof) in which PBGC determines that the characteristics that would make use of such rules appropriate are clearly shown, and that in each instance, the use of such rules will not pose a significant risk to the insurance system under Title IV of ERISA. Section 4208(e)(3) of ERISA provides that PBGC shall prescribe by regulation a procedure by which a plan may by amendment adopt special partial withdrawal liability rules upon a finding by PBGC that the adoption of such rules are consistent with the purposes of Title IV of ERISA.

PBGC's regulation, Extension of Special Withdrawal Liability Rules (29 CFR part 4203), prescribes procedures whereby a multiemployer plan may, pursuant to sections 4203(f) and 4208(e)(3) of ERISA, request PBGC to approve a plan amendment that establishes special complete or partial withdrawal liability rules. Under 29 CFR 4203.3(a), a complete withdrawal rule adopted pursuant to part 4203 must be similar to the rules for the construction and entertainment industries described in section 4203 (b) and (c) of ERISA. A partial withdrawal liability rule adopted pursuant to part 4203 must be consistent with the complete withdrawal rule adopted by the plan. Pursuant to 29 CFR 4203.3(b), a plan amendment adopted pursuant to part 4203 may cover an entire industry or industries, or may be limited to a segment of an industry, and may apply to cessations of the obligation to contribute that occurred prior to the adoption of the amendment.

Each request for approval of a plan amendment establishing special withdrawal liability rules must contain the information specified in 29 CFR 4203.4(d). In acting on such a request, 29 CFR 4203.5(a) provides that PBGC shall approve a plan amendment establishing special withdrawal liability rules if PBGC determines that the plan amendment—

(1) Will apply only to an industry that has characteristics that would make use of the special withdrawal rules appropriate; and

(2) Will not pose a significant risk to the insurance system.

In making these determinations, PBGC will conduct a comprehensive analysis of the request, the actuarial data submitted and other relevant information relating to the industry and the plan. 29 CFR 4203.4. Under 29 CFR 4203.4(d)(7), the plan must provide information on the effects of withdrawals on the plan's contribution base, as well as information sufficient to demonstrate the existence of industry characteristics that would indicate that withdrawals in the industry do not typically have an adverse effect on the plan's contribution base.

Finally, 29 CFR 4203.5(b) requires PBGC to publish a notice of the pendency of a request for approval of a plan amendment containing all the information required under 29 CFR 4203.4(d) in the **Federal Register**, and to provide interested parties with an opportunity to comment on the request.

Request

On February 3, 1998 (63 FR 5573), PBGC published a notice soliciting public comment on a request on behalf of the International Longshoremen's and Warehousemen's Union-Pacific Maritime Association Pension Plan (''Plan'') for approval of a modification to a plan amendment providing for special withdrawal liability rules, which rules were approved by PBGC on January 30, 1984 (Notice of Approval, 49 FR 6043 (1984)), pursuant to section 4203(f) of ERISA and 29 CFR part 4203. The comment period ended on March 20, 1998. One comment was received in opposition to the request. After the close of the comment period, PBGC received a response to the comment and additional information supporting the response.

The Plan is a multiemployer plan, with 114 employers contributing in 1996, maintained pursuant to collective bargaining agreements between the International Longshoremen's & Warehousemen's Union (''ILWU'') and the Pacific Maritime Association (''PMA''). The Plan, which is located in San Francisco, covers the loading and unloading of all dry cargo for ocean-going vessels arriving at or departing from ports along the Pacific coast of the United States, including all ports in the states of California, Oregon and Washington. The only cargoes not covered by the Plan are petroleum products and other liquid cargoes and certain cargoes handled by inland boatmen.

The PMA is an employer association whose principal business is to negotiate and administer maritime labor agreements with ILWU. The PMA is composed of stevedore companies and terminal operators as well as American and foreign flag vessel carriers who regularly operate from Pacific coast ports.

As of June 30, 1996, the Plan covered 8,185 active workers, was paying benefits to 9,049 pensioners and survivors, and had 87 inactive participants (or survivors) with vested entitlements. For the Plan Year ending June 30, 1996, the Plan received $99.7 million in contributions, and paid $95 million in benefits and $1.9 million in operating expenses. As of June 30, 1996, Plan assets were more than 13 times total Plan disbursements during the July 1, 1995–June 30, 1996 Plan Year. As of June 30, 1997, the market value of Plan assets was approximately $1.631 billion and the present value of vested liabilities was approximately $1.640 billion.

Plan benefit levels are set in negotiations between the PMA and the ILWU. Contribution rates to the Plan, which are on the basis of either hours worked, shipping tonnage or a combination of the two, are determined annually, solely by the PMA. Since December 24, 1983, the hours worked contribution rate has provided 100 percent of the contributions to the Plan.

The total number of contributing employers has remained relatively stable since 1971. There were 110 contributors in 1972, 107 in 1979, and 114 in 1996. Forty-two percent of the 1996 contributors were not contributors in 1979, and nearly 40 percent of the 1979 contributors were no longer contributing by 1996.

According to the request, over the past four decades the west coast shipping industry has grown steadily, and it looks forward to increased growth in the future. Total dry cargo at all covered ports amounted to 29 million tons in calendar year 1960, 114 million tons in 1980, 182 millions tons in 1990 and 216 million tons in 1996. Because of dramatic productivity gains, this increased shipping activity did not result in increased hours worked. For a time, the industry did not require new workers to replace those retiring from the work force. This accounts for the current high ratio of retirees to active employees covered by the Plan. However, the gains in productivity and the consequent drop in unit labor costs did make it possible to increase wages, contribution rates and total contributions during a period in which the utilization of labor decreased.

It now appears that productively gains alone can no longer keep pace with the increase in shipping activity. Covered hours worked have remained relatively consistent with prior periods from less than 16 million in 1975 to more than 18 million in 1980. However, with the recent growth in trade, covered hours worked have increased from fewer than

15.6 million in 1993 to over 18 million in 1996.

As part of the request, copies of six of the Plan's most recent actuarial valuation reports were submitted. Plan costs for funding purposes are determined on the entry age normal, level dollar method. Benefits are subject to collective bargaining, and contributions are allocated among contributing employers on the basis of the ERISA minimum funding requirements.

The reports show that during the 6-year period spanned by the reports (7/1/91–6/30/97), the Plan population was relatively stable. During that period, the number of retirees decreased 1.8 percent, while the number of active participants decreased 3.4 percent. However, during this same period, tonnage handled increased nearly 20 percent. And, as of the end of the June 30, 1996 Plan Year, annual contributions had increased from $71.1 million to $99.7 million, and Plan assets had risen from $747 million to $1.329 billion.

There were three benefit increases under the Plan during the period covered by the reports. The first, effective July 1, 1992, increased the unfunded actuarial accrued liability by $49 million. The second increase, effective July 1, 1993, increased the unfunded actuarial accrued liability by $501 million. Finally, the third increase, effective July 1, 1996, increased the unfunded actuarial accrued liability by $52 million to approximately $534 million. The Plan's monthly accrual rate for each year of service went from $37 to $70. PBGC notes that the Plan's benefit level exceeds the maximum benefit guaranteed by PBGC under section 4022A(c) of ERISA, which is $16.25 per month per year of service. The monthly maximum benefit payable under the Plan increased from $1,295 to $2,450.

From 1991–1995, contributions increased at a faster rate than benefit payouts. In 1991, benefit payouts were 97% of contributions, and in 1995, they were 95% of contributions.

A summary of the six actuarial valuations is set forth below.

SUMMARY OF ACTUARIAL VALUATION RESULTS [1]

	Valuation date					
	7/1/96	7/1/95	7/1/94	7/1/93	7/1/92	7/1/91
Number of active participants	8,185	7,856	7,682	8,141	8,339	8,469
Number of retired participants	9,049	9,236	9,244	8,979	9,132	9,214
Monthly benefit accrual rate	70	69	69	69	39	37
Maximum monthly benefit	2,450	2,415	2,415	2,415	1,365	1,295
Contributions (000)	N/A	99,696	99,023	87,316	74,139	71,074
Benefits (000)	N/A	94,963	92,437	85,293	71,321	68,848
Market value assets (000)	1,329,082	1,143,335	957,661	950,030	835,063	746,993
Net minimum funding charges w/o credit balance (000)	79,154	85,787	81,247	80,034	47,307	43,987
Normal cost, including operating expenses (000)	20,527	19,180	17,831	18,529	12,821	12,334
Unfunded accrued liability (assets at market value) (000)	534,416	637,646	710,802	664,096	341,037	360,009
Unfunded liability—vested benefits (assets at market value) (000)	354,821	462,132	530,092	476,168	N/A	N/A
Valuation interest rate	6.5	6.5	6.5	6.5	6.5	6.5

[1] Taken from actuarial reports submitted with request.

Approved Special Rules

The complete text of the relevant provisions of the Plan document, the ILWU–PMA Pension Agreement (''Pension Agreement''), containing the approved special withdrawal liability rules is set forth in the Notice of Approval, 49 FR 6043 (1984). Interested persons may obtain a copy of that notice by contacting PBGC. Following is a summary of the special withdrawal liability rules in effect and the text of the approved modification to those rules.

Under the special rules, a complete withdrawal occurs if an employer who makes contributions to the Plan for longshore work permanently ceases to have an obligation to make contributions to the Plan, and: (1) Continues to perform work of the type for which contributions to the Plan are currently or were previously required at any Pacific Coast port in the United States, (2) resumes such work at any time during the Plan Year in which the contribution obligation ceased through the end of the fifth succeeding Plan Year without renewing the contribution obligation, (3) sells or otherwise transfers a substantial portion of its business or assets to another person that performs longshore work without having an obligation to make contributions to the Plan under the collective bargaining agreements under which the Plan is maintained, or (4) ceases to have an obligation to contribute in connection with the withdrawal of every employer from the Plan or substantially all of the employers within the meaning of section 4219(c)(1)(D) of ERISA. A partial withdrawal occurs if an employer incurs a partial withdrawal within the meaning of section 4205 of ERISA and, in addition, at any time from the date of the partial withdrawal through the succeeding five Plan Years: (1) Performs work of the type for which contributions to the Plan are currently or were previously required at any Pacific Coast port in the United States without having an obligation to contribute to the Plan for such work, or (2) sells or otherwise transfers a substantial portion of its business or assets to another person that performs longshore work without having an obligation to make contributions to the Plan under the collective bargaining agreements under which the Plan is maintained.

The amendment adopting the special withdrawal liability rules also added funding requirements to the Agreement. Paragraph 4.042(c) of the Pension Agreement requires a ''Special Contribution Amount'' and specifies the funding goals that the Plan must meet for Plan Years beginning July 1, 1984:

''(i) The 'Special Contribution Amount' shall be the level annual amount which, on the basis of a Certified Actuarial Projection, the Plan Actuary certifies will, when added to the amounts otherwise required by law (determined without regard to any credit

balance in the funding standard account) * * *, be sufficient to make the Funding Percentage as of the Applicable Funding Goal Date at least equal to the Applicable Funding Goal.''

''(ii) The term 'Funding Percentage' shall mean for any Plan Year, the percentage derived by dividing the market value of the assets of the Pension Fund by the present value of the nonforfeitable benefits within the meaning of ERISA section 4213(c)(A), both values to be as determined in the Certified Actuarial Projection as of the end of such Plan Year.''

''(iii) For the first through the fifth Plan Years commencing on or after July 1, 1984, the term 'Applicable Funding Goal' for each such Plan Year shall mean 50 percent (50%), and the ''Applicable Funding Goal Date'' for each such Plan Year shall mean the last day of the tenth such Plan Year; for each succeeding Plan Year, the term 'Applicable Funding Goal' shall mean the percentage set forth in the Accelerated Funding Schedule for the Plan Year commencing four years after the end of the Plan Year in question, and the ''Applicable Funding Goal Date'' for each such Plan Year shall mean the last day of the Plan Year commencing four years after the end of the Plan Year in question.''

''(iv) The 'Accelerated Funding Schedule' shall be the following schedule:

Plan year	Percent
10	50
11	53
12	56
13	59
14	62
15	65
16	68
17	71
18	74
19	77
20 and over	80

''(v) The 'Certified Actuarial Projection' shall be a projection, which is prepared as of each actuarial valuation date so as to derive the Funding Percentage on the Applicable Funding Goal Date, by using the actuarial assumptions and methods utilized in the December 31, 1982 Actuarial Valuation of the Plan and the then current assets and census data, which projection shall be certified to in each Plan Year by the Plan actuary. This projection shall be on the basis of (1) the benefit levels in effect during the Plan Year for which the projection is made and (2) the Contributions required for such Plan Year * * * together with any Special Contribution Amounts. When the Applicable Funding Goal is met for the twentieth or subsequent Plan Year, the Special Contribution Amount may be limited to the amount necessary to maintain such Applicable Funding Goal for each subsequent Plan Year.''

Notice of Approval, 49 FR 6043, 6046 (1984).

An additional funding requirement is contained in paragraph 4.011 of the Pension Agreement. That provision requires that: ''Notwithstanding any other provision of this Plan, the Contributions for each Plan Year shall be not less than the total administrative costs and benefits to be paid by the Trustee during the Plan Year.'' Notice of Approval, 49 FR 6043, 6045 (1984).

Modification to Special Rules

On July 21, 1997, the bargaining parties (ILWU and PMA) adopted an amendment to the approved special withdrawal liability rules, which amendment eliminates the requirement under paragraph 4.011 of the Pension Agreement that contributions for each Plan Year shall be at least equal to benefits and administrative costs paid in the year. In lieu of that requirement, the parties signed a Letter of Understanding on July 21, 1997, whereby the parties agree that:

[S]hould the Funding Percentage for the ILWU–PMA Pension Plan (as defined in paragraph 4.042(c)(ii) of the Plan) fall below eighty-five percent (85%) as of the beginning of a particular Plan Year, the Contributions in the following Plan Year shall not be less than the lesser of (a) the total administrative costs and benefits to be paid by the Trustees during said following Plan Year or (b) the amount required to increase the Funding Percentage for said following Plan Year to eighty-five percent (85%).

Because the requirement that contributions be no less than administrative costs and benefits paid in a given year is no longer specifically set out in the Pension Agreement, PBGC indicated in the February 3, 1998 Notice of Pendency that if PBGC should approve the amendment modifying the Plan's special withdrawal liability rules such approval would be under the following condition:

The Plan's special withdrawal liability rules will be void as of the first day of the Plan Year following a Plan Year for which the Plan is not at least eighty-five percent (85%) funded, and during said following Plan Year the Contributions are less than the least of (a) total administrative cost and benefits for said following Plan Year or (b) the amount required to increase the Funding Percentage to eighty-five percent (85%) for said following Plan Year or (c) the maximum tax-deductible contribution to the Plan.

The Plan agreed that it would certify to this condition annually.

No other changes were proposed to the Plan's special withdrawal liability rules.

Decision

To approve a request for an amendment modifying special withdrawal liability rules, PBGC must make two independent determinations, as provided in section 4203(f) of ERISA and 29 CFR 4203.4(a). First, on the basis of a clear showing by the plan, PBGC must determine that the amendment will apply to an industry that has characteristics that would make use of the special rules appropriate. Second, PBGC must determine that the plan amendment will not pose a significant risk to the insurance system. PBGC's discussion on each of those issues follows.

a. Appropriateness

The basic consideration in determining the appropriateness of special withdrawal liability rules is the effect of cessations of contributions by employers on the plan's contribution base. Various characteristics may be indicative of an industry in which cessations typically do not weaken the contribution base. In determining whether an industry has the characteristics that would make an amendment to special rules appropriate, an important line of inquiry is the extent to which the particular industry possesses those characteristics that led Congress to adopt special rules for the construction and entertainment industries. An industry that is similar in terms of those characteristics is generally appropriate for rules similar to the construction and entertainment rules.

The appropriate characteristics include, but are not necessarily limited to, the mobility of the employees, the intermittent nature of the employment, the project-by-project nature of the work, extreme fluctuations in the level of an employer's covered work under the plan, the existence of a consistent pattern of entry and withdrawal by employers, and the local nature of the work performed.

In approving the Plan's request for an amendment providing for special withdrawal liability rules on February 16, 1984, PBGC determined that the industry covered by the Plan clearly evidenced characteristics similar to those of the construction industry, the most important of which was the local nature of the work. The characteristics of the west coast longshore industry that supported approval of special withdrawal liability rules in 1984 continue to apply to the industry today. Specifically, work covered under the Plan is dependent on the comings and goings of ocean-going vessels at west coast ports. Workers are employed by a covered stevedoring company, generally on a daily basis through a dispatch hall system, to work pursuant to contracts with vessel operators. The work must be performed at the port of embarkation or debarkation. Thus, so long as west coast shipping continues, the work performed will continue to be covered by the Plan.

In addition, an employer in this industry cannot withdraw from the Plan while continuing to perform longshore work at Pacific ports, because longshore work along the entire west coast for all ocean-going dry cargo work is covered under collective bargaining agreements that require contributions to the Plan. Because the entire coast is one bargaining unit, and all ports through which ocean-going dry cargo is shipped are completely organized by the ILWU, it is not possible for such cargo to be loaded or unloaded at any point on the coast without contributions being paid to the Plan. Thus, as a practical matter, it is not realistic to expect noncontributory, covered work. Nonetheless, if a former contributing employer were to compete against the Plan's other employers in this way, thereby diminishing the Plan's contribution base, withdrawal liability would be imposed.

Because of the local nature of the work and the requirement that contributions be made to the Plan for all longshore work done on the Pacific coast, the comings and goings of employers do not have an adverse effect on the Plan's contribution base, which is dependent upon the vitality of the west coast shipping industry as a whole, and not upon the continued existence of any particular employers. For these reasons, the covered industry evidences characteristics that indicate that cessations by employers typically do not have a weakening effect on the Plan's contribution base. Thus, PBGC has concluded that the Pacific coast longshore industry continues to evidence characteristics that make the use of special withdrawal liability rules appropriate.

The only comment received in response to the notice questioned the validity of the Plan amendment that is the subject of the request (''Amendment''). Specifically, since the Amendment was not executed and submitted by the Plan's Board of Trustees, the comment questioned whether the Amendment was properly executed and submitted to PBGC. The response to the comment asserts that the process of adopting the Amendment is a settlor function left to the collective bargaining parties, ILWU and PMA. Section 7.02 of the Pension Agreement provides that ''[t]he (ILWU) and (PMA) by their mutual agreement in writing may at any time amend, modify, or delete any provisions of the [ILWU–PMA Pension] Agreement.'' Nothing in the Pension Agreement or the collective bargaining agreement between ILWU and PMA indicates that the Plan's Board of Trustees has the authority to amend the Pension Agreement. The document effecting the Amendment clearly shows that representatives of ILWU and PMA executed it. Thus, based on the Pension Agreement and the executed Amendment, PBGC agrees that the Amendment was properly executed by the appropriate parties, ILWU and PMA.

The comment also questioned whether the Plan's request for approval of the Amendment was properly submitted to PBGC pursuant to PBGC regulation. Pursuant to 29 CFR 4203.4(b), a request for PBGC's approval of a plan amendment must be submitted by the plan sponsor or a duly authorized representative acting on behalf of the plan sponsor. The comment asserts that any request should have been submitted by the Plan sponsor, the Board of Trustees, not PMA or a representative of PMA. Further, the comment asserts that the current Board of Trustees did not approve the request or give PMA the authority to engage a representative to act on behalf of the Board of Trustees in preparing and submitting the request to PBGC. The response to the comment asserts that the Plan's previous Board of Trustees authorized PMA to engage a representative to submit the request on behalf of the Plan. Also, a Plan fiduciary submitted information in support of the position that PMA had the previous Board of Trustees' authorization to proceed with the submission of the request. No information was provided supporting the position that the Plan's previous Board of Trustees failed to authorize PMA to prepare and submit the request. Consequently, PBGC disagrees with the comment and believes that the request was properly submitted for approval by a duly authorized representative of the Plan sponsor.

b. Risk to the Insurance System

In addition to determining that the special withdrawal liability rules are appropriate to this case, PBGC must find that their use will not pose a significant risk to the insurance program.

Copies of the Plan's actuarial reports for the 6-year period (7/1/91–6/30/97) were submitted with the request. The most recent of those reports indicates an unfunded actuarial accrued liability of $534 million, an unfunded liability for vested benefits of $355 million, and assets of $1.329 billion. In the 6-year period, the Plan's unfunded accrued liability increased from $360 million to $534 million, and the monthly accrual rate went from $37 to $70 per month per year of service. These changes increased the monthly maximum benefit from $1,295 to $2,450. The $70 monthly accrual rate exceeds the maximum monthly accrual rate guaranteed by PBGC under section 4022A of ERISA, which is $16.25, or 23.2 percent of the Plan's accrual rate. On the other hand, from 1991–1995, contributions increased at a faster rate than benefit payouts. In 1991, benefit payouts were 97% of contributions, and in 1995, they were 95% of contributions.

In addition to the information already mentioned, the actuarial reports show a stable Plan population, an increase in annual contributions ($71.1 million to $99.7 million), and an increase in Plan assets ($747 million to $1.329 billion). Plan income has also consistently exceeded benefit payouts. The Plan and the covered industry have unique characteristics that suggest that the Plan's contribution base is likely to remain stable. Contributions to the Plan are made with respect to all west coast dry cargo. The industry has had significant growth over the past decades and that growth is expected to continue. The Plan's continuation is dependent only on the continued activity in the west coast shipping industry as a whole. Consequently, the Plan's contribution base is secure and the departure of one employer from the Plan is not likely to have an adverse effect on the contribution base so long as the level of shipping does not decline.

The request states that the main reason that the Plan requests an amendment modifying its special withdrawal liability rules is that the Plan is approaching the point where contributions would no longer be deductible due to ERISA's full funding limit. This has occurred because the Plan's funded status has significantly improved since approval of the amendment establishing special withdrawal liability rules in 1984. The 1984 amendment required that the Plan meet specific funding objectives that were designed to improve the Plan's financial condition. In order for the special rules to apply, the Plan had to meet the objectives each year. At the time that PBGC approved the 1984 amendment establishing the rules, PBGC believed that ''meeting these objectives (would) place the Plan on a sound long-term financial basis.'' The 1984 amendment established a funding objective of fifty percent (50%) in 1984, increasing to eighty percent (80%) in 2004. Every year since the 1984 amendment, the Plan has more than met the funding objectives. Under the proposed Amendment, the Plan's funding goal objective is increased from a projected eighty percent (80%) in 2004 to eighty-five percent (85%) henceforth. If the Amendment is approved, the Plan has agreed that in any Plan Year in

which the Plan's modified funding objectives are not met, the special withdrawal liability rules will be void.

The comment raised concerns relating to the potential for increased risk to the insurance system if the proposed Amendment is approved. According to the comment, ''[b]y eliminating the requirement that contributions for each Plan Year be at least equal to benefits and administrative costs, the proposed Plan Amendment would slow the Plan's progress towards a fully funded status while increasing the insurance risk on the (PBGC).'' The comment states that the Plan's actuarial projections show that the Plan's full funding limit will not be reached for at least another two years and possibly longer, and that the projections show a gradual decline in contributions, not a sudden drop.

In addressing the comment PBGC has considered the actuarial information provided with the request and the response to the comment. The evidence indicates that the west coast shipping industry covered by the Plan has shown steady growth over the past decades, and the growth is projected to continue. The evidence also indicates that as a result of the steady growth in the industry, the Plan's contribution base has been stable and secure. Due to the nature of the industry, departures of individual employers would not pose a risk to the Plan or the PBGC insurance system. In approving the Plan's special withdrawal liability rules in 1984, PBGC found that meeting the associated funding objectives would place the Plan on a ''sound long-term financial basis.'' Those objectives have been met earlier than projected. The proposed modification to the Plan's special withdrawal liability rules is conditioned on the Plan meeting at least the same funding objectives. Therefore, PBGC has concluded that the proposed modification will not pose a significant risk to the insurance system.

Based on the facts of this case and the representations and statements made in connection with the request for approval, PBGC has determined that the Plan Amendment modifying special withdrawal liability rules (1) will apply only to an industry that has characteristics that would make the use of special withdrawal liability rules appropriate, and (2) will not pose a significant risk to the insurance system. Therefore, PBGC hereby grants the Plan's request for approval of a plan amendment modifying special withdrawal liability rules, as set forth herein. PBGC grants approval under the condition that such approval will expire, and the Plan's special withdrawal liability rules will be void as of the first day of the Plan Year following a Plan Year for which the Plan is not at least eighty-five percent (85%) funded, and during said following Plan Year the Contributions are less than the least of (a) total administrative cost and benefits for said following Plan Year or (b) the amount required to increase the Funding Percentage to eighty-five percent (85%) for said following Plan Year or (c) the maximum tax-deductible contribution to the Plan. The Plan has agreed to certify to these conditions annually. Should the Plan wish to again amend these rules at any time, PBGC approval of the amendment will be required.

Issued at Washington, DC, on this 14th day of May 1998.

David Strauss,

Executive Director.

[FR Doc. 98–13435 Filed 5–19–98; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39987]; File No. SR–CBOE–98–19]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to Nominees of Member Organizations

May 12, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''ACT''), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 5, 1998, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to revise CBOE Rule 3.8, ''Nominees,'' to clarify that a nominee trading for his/her own account pursuant to CBOE Rule 3.8(a)(4)(C) may trade as an independent market maker and/or an independent floor broker.[1] The CBOE also proposes to replace a reference in CBOE Rule 3.8(a)(4)(C) to the CBOE's Market Surveillance Department with a reference to the Exchange.

The text of the proposed rule change is available at the Office of the Secretary, CBOE, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

CBOE Rule 3.8(a)(4)(B) provides that a nominee of a member organization may perform floor functions only on behalf of the member organization for which he or she is authorized. However, CBOE Rule 3.8(a)(4)(C) sets forth an exception to this requirement. Specifically, CBOE 3.8(a)(4)(C) provides that, notwithstanding the provisions of CBOE Rule 3.8(a)(4)(B), a nominee may trade for his/her own account provided that the following three requirements are satisfied: (i) the nominee is a registered broker-dealer; (ii) the nominee has the prior written approval of the nominee's member organization to trade for his/her own account; and (iii) the nominee has the prior written approval of the Exchange's Market Surveillance Department to trade for his/her own account. CBOE Rule 3.8(a)(4)(C) also provides that the approval of the nominee's member organization and of the CBOE's Market Surveillance Department must be filed with the CBOE's Membership Department.

In addition, CBOE Rule 3.8(a)(2) requires a nominee's member organization to guaranty all obligations arising out of the nominee's representation of the member organization, including transactions for the nominee's own account as authorized pursuant to CBOE Rule 3.8(a)(4)(C).

The purpose of the proposal is to clarify that authorization of a nominee

[1] A member who wishes to act as a market maker and as a floor broker on the same business day is subject to the restrictions of CBOE Rule 8.8, ''Restrictions on Acting as a Market-Maker and a Floor Broker.''

to trade for his/her own account pursuant to CBOE Rule 3.8(a)(4)(C) means authorization of the nominee to trade as an independent market maker and/or as an independent floor broker.[2] Accordingly, the proposal amends CBOE Rule 3.8 by replacing the references to trading by a nominee for his/her own account with references to trading by a nominee as an independent market maker and/or as an independent floor broker.

According to the CBOE, this clarification is consistent with the manner in which the CBOE departments that have administered CBOE Rule 3.8(a)(4)(C) have interpreted the rule and is intended to eliminate any potential ambiguity as to whether CBOE Rule 3.8(a)(4)(C) only authorizes a nominee to act as an independent market maker.[3] Additionally, the CBOE believes that, as a matter or regulatory policy, there is no reason to distinguish between a nominee acting as an independent market maker and a nominee acting as an independent floor broker given that, in either instance, the nominee must have prior written authorization to do so from both the nominee's member organization and from the Exchange, the nominee must be a registered broker-dealer, and the nominee's transactions will be guaranteed by the nominee's member organization.

The proposed rule change also replaces the references in CBOE Rule 3.8(a)(4)(C) to the CBOE's Market Surveillance Department with a reference to the Exchange. The reason for this change is twofold. First, the CBOE's Market Surveillance Department recently was combined into the CBOE's Department of Market Regulation. Second, the Exchange body or bodies that grant approvals under CBOE Rule 3.8(a)(4)(C) may change over time. Currently, Exchange approval under CBOE Rule 3.8(a)(4)(C) is required from both the CBOE's Department of Market Regulation and the CBOE's Membership Committee.

Finally, the CBOE notes that all of the provisions in paragraphs (a)(2), (a)(3), and (a)(4) of CBOE Rule 3.8 which are applicable to nominees are also applicable to a person who has registered his or her membership for a member organization because, under Section 2.4 of the CBOE Constitution (''Registration of Individual Memberships for Member Organizations'') such a person represents a member organization is lieu of a nominee. Therefore, the requirements of CBOE Rule 3.8(a)(4)(C) also are applicable to a person who has registered his or her membership for a member organization and desires to also act as an independent market maker and/or as an independent floor broker.

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act, in general, and furthers the objectives of Section 6(b)(5), in particular, in that the proposed change will clarify the Exchange's rules and is thus designed to remove impediments to and perfect the mechanism of a free and open market.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the Exchange, it has become effective pursuant to Section 19(b)(3)(A) of the Act[4] and subparagraph (e)(1) of Rule 19b–4 thereunder.[5] At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[6]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether it is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C., 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other that those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–98–19 and should be submitted by June 10, 1998.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–13383 Filed 5–19–98; 8:45 am]

BILLING CODE 8010–01–M

[2] As noted above, a member who wishes to act as a market maker and as a floor broker on the same business day is subject to the restrictions of CBOE Rule 8.8. *See* note 1, *supra*.

[3] A member (or the Exchange) providing authorization under CBOE Rule 3.8(a)(4)(C) may specify the capacity in which the nominee may act (*ie.*, the nominee may be authorized to act solely as a floor broker, solely as market maker, or in both capacities), Telephone conversation between Arthur B. Reinstein, Assistant General Counsel, CBOE, and Yvonne Fraticelli, Attorney, Division of Market Regulation, Commission, on May 8, 1998.

[4] 15 U.S.C. 78s(b)(3)(A).

[5] 17 CFR 240.19b–4(e)(1).

[6] In reviewing this proposal, the Commission has considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[7] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new, and/or currently approved information collection.

DATES: Comments should be submitted on or before July 20, 1998.

FOR FURTHER INFORMATION CONTACT: Curtis B. Rich, Management Analyst, Small Business Administration, 409 3rd Street, S.W., Suite 5000, Washington, D.C. 20416. Phone Number: 202–205–6629.

SUPPLEMENTARY INFORMATION:

Title: ''Servicing Agent Agreement''.

Type of Request: New Request.

Form No: 1506.

Description of Respondents: Persons filling out Servicing Agent Agreement and Certified Development Companies.

Annual Responses: 4,800.

Annual Burden: 800.

Comments: Send all comments regarding this information collection to Gail Hepler, Financial Analyst, Office of Financial Assistance, Small Business Administration, 409 3rd Street, S.W., Suite 8300, Washington, D.C. 20416. Phone No: 202–205–7530. Send comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Dated: May 8, 1998.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 98–13341 Filed 5–19–98; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

Bureau of Political-Military Affairs

[Public Notice 2825]

Revocation of Munitions Exports Licenses and Other Approvals for India

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given that all licenses and other approvals to export or otherwise transfer defense articles and defense services from the United States to India, or transfer U.S. origin defense articles and defense services from a foreign destination to India, or temporarily import defense articles from India pursuant to Section 38 of the Arms Export Control Act are revoked immediately.

EFFECTIVE: May 13, 1998.

FOR FURTHER INFORMATION CONTACT: Rose Biancaniello, Deputy Director, Department of State, Office of Defense Trade Controls, Department of State, 703–812–2568.

SUPPLEMENTARY INFORMATION: On May 13, 1998, the President determined pursuant to Section 102 of the Arms Export Control Act (22 U.S.C. 2779aa–1) (''the Glenn Amendment'') that India a non-nuclear weapons state, detonated nuclear explosive devices on May 11, 1998, and directed the relevant United States Government agencies—and instrumentalities to take the necessary actions to impose the sanctions described in Section 102(b)(2) of that Act. That provision of law provides for the determination to India of sales of defense articles, defense services, or design and construction services under the Arms Export Control Act, and termination of licenses for the export of any item on the United States Munitions List (USML). Consistent with such law and in furtherance of the foreign policy interests of the United States, the Department of State, through publication of this notice, is revoking all licenses and other approvals for the permanent and temporary export and temporary import of defense articles and defense services to or from India and will deny all applications and other requests for approval to export or otherwise transfer or retransfer defense articles and defense services to India. This revocation order includes all types of licenses/authorizations; manufacturing, technical assistance and distribution agreements; the use of any exemption in the International Traffic in Arms Regulations (ITAR); and, any authorization to retransfer from a foreign destination. This order also extends to the activities and authorizations concerning brokering covered by Part 129 of the ITAR. Therefore, in accordance with Section 123.21 of the ITAR, licenses must be returned immediately to the Department of State, Office of Defense Trade Controls.

Dated: May 15, 1998.

Eric D. Newsom,

Acting Assistant Secretary for Political-Military Affairs.

[FR Doc. 98–13570 Filed 5–19–98; 8:45 am]

BILLING CODE 4710–25–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Allocation of the 200,000 Metric Ton Increase in the Amount Available Under the Raw Cane Sugar Tariff-rate Quota

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The Office of the United States Trade Representative (USTR) is providing notice of the allocation among supplying countries and customs areas for the 200,000 metric ton increase in the amount available under the current raw cane sugar tariff-rate quota triggered by the fact that the stocks to use ratio for sugar reported in the U.S. Department of Agriculture's World Agricultural Supply and Demand Estimates on May 12, 1998, was 14.2 percent.

EFFECTIVE DATE: May 20, 1998.

ADDRESSES: Inquiries may be mailed or delivered to Elizabeth Jones, Economist, Office of Agricultural Affairs (Room 415), Office of the United States Trade Representative, 600 17th Street, NW, Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Elizabeth Jones, Office of Agricultural Affairs, 202–395–6127.

SUPPLEMENTARY INFORMATION: Pursuant to Additional U.S. Note 5 to chapter 17 of the Harmonized Tariff Schedule of the United States (HTS), the United States maintains a tariff-rate quota for imports of raw cane sugar. On September 17, 1997, the Secretary of Agriculture announced the in-quota quantity for the tariff-rate quota for raw cane sugar for the period October 1, 1997–September 30, 1998, and announced an administrative plan under which the quantity available would be increased by 200,000 metric tons, raw value, if the stocks-to-use ratio reported in the May 1998 U.S. Department of Agriculture's World Agricultural Supply and Demand Estimates (WASDE) is less than or equal to 15.5 percent. On May 12, 1998, the WASDE reported a stocks to use ratio of 14.2 percent, thereby triggering a 200,000 metric ton increase in the quantity available under the tariff-rate quota.

Section 404(d)(3) of the Uruguay Round Agreements Act (19 U.S.C. 3601(d)(3)) authorizes the President to allocate the in-quota quantity of a tariff-rate quota for any agricultural product among supplying countries or customs areas. The President delegated this authority to the United States Trade Representative under paragraph (3) of Presidential Proclamation No. 6763 (60 FR 1007). Additional U.S. Note 5(b)(i) to chapter 17 of the HTS also provides that the quota amounts established under that note may be allocated among supply countries and areas by the United States Trade Representative.

Raw cane sugar allocation

Accordingly, USTR is allocating the 200,000 metric ton increase in the amount available under the raw can sugar tariff-rate quota to the following countries or areas in metric tons, raw value. This allocation is based on the countries' historical trade to the United States:

County	Current FY 1998 allocation	Additional allocation	New FY 1998 allocation
Argentina	56,832	8,731	65,563
Australia	109,699	16,853	126,552
Barbados	7,830	0	7,830
Belize	14,538	2,234	16,772
Bolivia	10,573	1,624	12,198
Brazil	191,642	29,442	221,084
Colombia	31,720	4,873	36,593
Congo	7,258	0	7,258
Cote d'Ivoire	7,258	0	7,258
Costa Rica	19,825	3,046	22,871
Dominican Republic	232,614	35,736	268,350
Ecuador	14,538	2,234	16,772
El Salvador	34,363	5,279	39,643
Figi	11,895	1,827	13,722
Gabon	7,258	0	7,258
Guatemala	63,440	9,746	73,186
Guyana	15,860	2,437	18,297
Haiti	7,258	0	7,258
Honduras	13,217	2,030	15,247
India	10,573	1,624	12,198
Jamaica	14,538	2,234	16,772
Madagascar	7,258	0	7,258
Malawi	13,217	2,030	15,247
Mauritius	15,860	2,437	18,297
Mexico	25,000	0	25,000
Mozambique	17,182	2,640	19,821
Nicaraque	27,755	4,264	32,019
Panama	38,328	5,888	44,217
Papua New Guinea	7,258	0	7,258
Paraguay	7,258	0	7,258
Peru	54,189	8,325	62,513
Philippines	178,426	27,411	205,837
South Africa	30,398	4,670	35,069
St. Kitts & Nevis	7,258	0	7,258
Swaziland	21,147	3,249	24,395
Taiwan	15,860	2,437	18,297
Thailand	18,503	2,843	21,346
Trinidad-Tobago	9,252	1,421	10,673
Uruguay	7,258	0	7,258
Zimbabwe	15,860	2,437	18,297
Total	1,4000,000	200,000	1,600,000

Each allocation to a country that is a net importer of sugar is conditioned on compliance with the requirements of section 902(c)(1) of the Food Security Act of 1985 (7 U.S.C 1446g note).

Charlene Barshefsky,

United States Trade Representative.

[FR Doc. 98–13378 Filed 5–19–98; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Environmental Impact Statement on the Proposed Urban Rail Project Between the Fullerton Transportation Center and Irvine Transportation Center, Orange County, CA

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Federal Transit Administration (FTA), as lead agency, and the Orange County Transportation Authority (OCTA) intend to prepare an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act of 1969 (NEPA) on a proposal by OCTA to further study the proposed implementation of an urban rail system within a corridor 45 kilometers (28 miles) long and 9.7 kilometers (6 miles) wide between the Cities of Fullerton and Irvine, known as the Orange County Urban Rail (Urban Rail) Project. In addition to NEPA, the proposed project is subject to compliance with the California Environmental Quality Act (CEQA), therefore, a joint Environmental Impact Report (EIR)/EIS will be prepared.

The EIR/EIS will evaluate the following alternatives: 1) The Local Preferred Strategy (LPS) Alignment Alternative. This alternative would follow the alignment identified in the Priority Corridor Major Investment Study, June 1997, on an elevated guideway. 2) A Lower Cost Alternative (LCA). This alternative would connect the Fullerton and Irvine Transportation Centers and would serve many of the activity centers in the Corridor along a route which minimizes the distance and number of freeway crossings. The system would be primarily at grade on local streets. 3) A No Build Alternative, which involves no change to transportation services or facilities in the corridor beyond already committed projects. Potential new feasible alternatives generated through the scoping process will also be considered.

Scoping will be accomplished through correspondence with interested

persons, organizations, and Federal, State, and local agencies; and one public scoping meeting

DATES: *Comment Due Date:* Written comments on the scope of alternatives and impacts to be considered should be submitted by June 22, 1998. *Written comments* should be sent to Ms. Cindy Krebs, OCTA, 550 South Main Street, P.O. Box 14184, Orange, CA 92863. *Written comments* may also be made at the public scoping meeting scheduled below. *Scoping Meeting:* The public scoping meeting will take place on: Thursday, June 4, 1998 from 4:30 p.m. to 7:00 p.m. at Fullerton Senior Center. See **ADDRESS** below.

People with special needs should contact Cindy Krebs at OCTA at the address below or by calling (714) 560–5740. A TDD number is also available: (714) 636–4327. The building is accessible to people with disabilities.

The meeting will be held in an ''open-house'' format, and representatives will be available to discuss the project throughout the time periods given. Informational displays and written material will also be available throughout the time periods given.

ADDRESSES: *Written comments* should be sent to Ms. Cindy Krebs, OCTA, 550 South Main Street, P.O. Box 14184, Orange, CA 92863. *Written comments* may also be made at the public scoping meting as scheduled below. The *Scoping Meeting* will take place at the following location: Thursday, June 4, 1998 from 4:30 p.m. to 7:00 p.m., Fullerton Senior Center, 340 W. Commonwealth Ave., Fullerton, CA 92832.

FOR FURTHER INFORMATION CONTACT: Ms. Cindy Krebs, OCTA, 550 South Main Street, P.O. Box 14184, Orange, CA 92863, (714) 560–5740, or fax (714) 560–5794.

SUPPLEMENTARY INFORMATION:

I. Scoping

FTA and OCTA invite interested individuals, organizations, and Federal, State, and local agencies to participate in defining the alternatives to be evaluated in the EIR/EIS and identifying any significant social, economic, or environmental issues related to the alternatives. An information packet describing the purpose of the project, the location, the proposed alternatives, and the impact areas to be evaluated is being mailed to affected Federal, State, and local agencies. Others may request the scoping materials by contacting Ms. Cindy Krebs, OCTA, 550 South Main Street, P.O. Box 14184, Orange, CA 92863, (714) 560–5740, or fax (714) 560–5794. Scoping comments may be made in writing at the public scoping meeting. See the Scoping Meeting section above for the location and time. During scoping, comments should focus on identifying specific social, economic, or environmental impacts to be evaluated and suggesting alternatives that are less costly or less environmentally damaging while meeting the identified mobility needs. Scoping is not the appropriate time to indicate a preference for a particular alternative. Comments on preferences should be communicated after the Draft EIR/EIS has been completed. If you wish to be placed on the mailing list to receive further information as the project develops, contact: Ms. Cindy Krebs, OCTA, 550 South Main Street, P.O. Box 14184, Orange, CA 92863, (714) 560–5740, or fax (714) 560–5794.

II. Description of Study Area and Project Need

The study area extends from the City of Fullerton in a general southward direction through the Cities of Anaheim, Orange, Garden Grove, Santa Ana, and Costa Mesa and then eastward to the City of Irvine, California. The area is approximately 45 kilometers (28 miles) long and 9.7 kilometers (6 miles) wide.

The study corridor contains key activity, employment, and transportation facilities in Orange County such as: Fullerton College, Downtown Fullerton, Fullerton Transportation Center, Orangefair Mall, Downtown Anaheim, Disneyland, Anaheim Convention Center, Anaheim Stadium (Edison Field), Anaheim Amtrak Station, the Arrowhead Pond, the City Mills, the St. Joseph Children's Hospital, the Main Place Mall, Santa Ana Transportation Center, Downtown Santa Ana, the Federal, County and City Civic Center area, South Coast Plaza/Metro, Orange Coast College, John Wayne Airport, UCI, the Irvine Spectrum and Entertainment Center, and the Irvine Transportation Center.

This EIR/EIS is the logical next step in transportation planning and project development following OCTA's completion of a Major Investment Study (MIS) of the mobility needs in the study area. This MIS employed a far-reaching public involvement program, continuous coordination with affected and interested agencies, and a detailed evaluation of a wide range of alternatives to meet the identified mobility needs. As the MIS process was mode-neutral in nature, the public identified a comprehensive set of bus, road, and urban rail alternatives. Detailed analysis at a conceptual engineering level was completed for a set of alternatives to identify project cost, ridership, cost-effectiveness measurements, and environmental benefits and impacts. The results led to the development of a Locally Preferred Strategy (LPS) that includes: (1) optimization of the present system through expanded bus service and increased Metrolink commuter rail service seats and (2) continued study of a light rail system between the Fullerton and Irvine Transportation Centers. This EIS focuses on the light rail alternative.

An effective multi-modal transportation network within the project study area is necessary to meet the future mobility needs of businesses and residents in Orange County. By the year 2020, despite current and planned transportation system improvements, the magnitude and nature of the County's population and employment growth trends are projected to result in continuing transportation challenges in the corridor area as evidenced by: increasing travel—approximately 1.8 million more daily trips; growing transit-reliant population—doubling of senior population; continuing freeway congestion—73 percent of the freeway system will operate at 30 m.p.h. or less during morning and evening peak periods; increasing arterial congestion—major intersections with delay will grow from four percent to 27 percent; and limited travel options—congested freeway and street system, and financially constrained bus and Metrolink service.

III. Alternatives

The alternatives proposed for evaluation include: (1) LPS Alignment Alternative. This alternative would follow the alignment identified in the Priority Corridor Major Investment Study (June, 1997), which provided for an elevated guideway from end to end within the arterial corridors. The elevated guideway would typically be supported on columns within the median. (2) A Lower Cost Alternative (LCA). This alternative would connect the Fullerton and Irvine Transportation Centers and would serve many of the activity centers in the Corridor along a route which minimizes the distance and number of freeway crossings. The system would be primarily at grade on local streets. (3) A No Build Alternative, which involves no change to transportation services or facilities in the corridor beyond already committed projects. Potential new feasible alternatives generated through the scoping process will also be considered.

IV. Probable Effects

FTA and OCTA will evaluate, in the EIR/EIS, all significant social, economic,

and environmental impacts of the alternatives. The previous MIS study evaluated these impacts at a corridor level of detail for the LPS Alternative alignment. These issues will be evaluated at a project level of detail in the Draft EIR/EIS. Among the primary transit issues to be evaluated are the expected increase in transit ridership, the expected increase in mobility for the corridor's transit dependent, the support of the region's air quality goals, the capital outlays needed to construct the project, the cost of operating and maintaining the facilities created by the project, and the financial impacts on the funding agencies. Potentially affected environmental and social resources proposed for analysis include land use and neighborhood impacts, residential and business displacements and relocations, traffic and parking impacts near stations, traffic circulation, visual impacts, impacts on cultural and archaeological resources, and noise and vibration impacts. Impacts on air and water quality, groundwater, hazardous waste sites, and water resources will also be covered. The impacts will be evaluated both for the construction period and for the long-term period of operation. Measures to mitigate significant adverse impacts will be considered.

V. FTA Procedures

The EIR/EIS and the conceptual engineering for the Urban Rail project will be prepared simultaneously. The EIR/EIS/conceptual engineering process will assess the social, economic, and environmental impacts of the proposed alternatives while refining their design to minimize and mitigate any adverse impacts. After its publication, the Draft EIR/EIS will be available for public and agency review and comment, and a public hearing will be held. On the basis on the Draft EIR/EIS and comments received, OCTA will select a preferred alternative to carry forward into the Final EIR/EIS and complete engineering. Following this action by OCTA, OCTA will request FTA authorization to proceed with the Final EIS/EIR and complete engineering.

Issued: May 15, 1998.

Leslie Rogers,

Regional Administrator Federal Transit Administration Region IX.

[FR Doc. 98–13438 Filed 5–19–98; 8:45 am]

BILLING CODE 4910–57–U

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–98–3782; Notice 1]

Laforza Automobiles, Inc.; Receipt of Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 208

Laforza Automobiles, Inc., of Escondido, California, (''Laforza'') has applied for a temporary exemption from the automatic restraint requirements of Federal Motor Vehicle Safety Standard No. 208 *Occupant Crash Protection*, as described below. The basis of the application is that compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard.

This notice of receipt of an application is published in accordance with the requirements of 49 U.S.C. 30113(b)(2) and does not represent any judgment of the agency on the merits of the application.

Laforza is a Nevada corporation established in August 1997. To date it has produced no motor vehicles. It intends to purchase chassis from Magnum Industriales s.r.l., an Italian company, ''where it will undergo the necessary modifications for the US market.'' A Ford engine, transmission, and associated emission control systems will be installed, and the end result will be a multipurpose passenger vehicle (sport utility) called the Prima 4X4. Laforza estimates a total production of 400 units between the date of the exemption and December 31, 2000. This is the date that its requested temporary exemption would expire.

Laforza seeks an exemption from S4.2.6.1.1 and S4.2.6.2 of Standard No. 208. Paragraph S4.2.6.1.1, in pertinent part, would require Laforza to provide a driver side airbag on not less than 80 percent of all Primas manufactured before September 1, 1998. Paragraph S4.2.6.2 would require all Primas manufactured on and after September 1, 1998, to be equipped with both driver and right front passenger airbags. Although the passenger side airbag is not required until September 1 of this year, ''the airbag development program has to include both the passenger and driver side airbags since the development duration for a driver's side airbag would overlap the time when a passenger's side airbag will be required.'' Laforza continues, ''If the development is not combined, many of these tests would have to be repeated with a significant increase in test and material costs.''

In the first 6 months after its agreement with Magnum, Laforza spent ''an estimated total of 200 manhours and $15,000'' on airbag compliance issues. Lacking the resources to independently develop an airbag system, it ''has contacted airbag development companies in the US to assist with the project.'' Laforza has concluded that it will take 2 years to develop and certify the system. If immediate compliance were required, the cost would be $4,000,000. An exemption would permit Laforza to generate revenues ''to meet the costs mandated by the airbag development program'' and spread these costs over a period of time. Because the company is less than a year old, it could not submit corporate balance sheets and income statements for the three years immediately preceding the filing of its application, as specified by NHTSA's regulation. Its stockholder equity is $900,000.

Laforza argues that ''production of the Laforza Prima 4X4 is in the best interest of the public and the US economy,'' pointing to the uniqueness of the vehicle, and the American components that it incorporates, the powertrain from Ford Motor Company and the purchase of ''other parts * * * from approximately five different US companies.'' The company currently employs 15 people full-time and three people part time, which will grow as production increases. Further, ''in addition, * * * at least 50 employees from other companies are involved in the Laforza project.'' During the exemption period, the Prima will be ''equipped with a conventional retractor type, three-point driver and passenger seatbelt system that meets all requirements of FMVSS No. 208,'' and the vehicle otherwise complies with all Federal motor vehicle safety standards that apply to it.

Interested persons are invited to submit comments on the application described above. Comments should refer to the docket number and the notice number, and be submitted to: Central Docket Management Facility, room Pl–401, 400 Seventh Street, SW, Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket (from 10 a.m. to 5 p.m.) at the above address both before and after that date. Comments may also be viewed on the internet at web site dms.dot.gov. To the extent possible, comments filed after the

closing date will also be considered. Notice of final action on the application will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: June 9, 1998.

(49 U.S.C. 30113; delegations of authority at 49 CFR 1.50. and 501.8)

Issued: May 15, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98–13437 Filed 5–19–98; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33570]

Oregon Pacific Railroad Company—Acquisition and Operation Exemption—East Portland Traction Co. and Molalla Western Railway

Oregon Pacific Railroad Company (OPR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire and operate certain rail lines of East Portland Traction Co. (EPTC) and Molalla Western Railway (MWRL)[1] in Clackamas and Multnomah Counties, OR. The line to be acquired from EPTC extends from EPTC milepost 0.26 (at its connection with Union Pacific Railroad Company's (UP) Portland-Eugene mainline at UP MP 769) at or near East Portland, OR, to milepost 4.54 at Milwaukie, a distance of 4.28 miles, and includes 2.11 miles secondary and yard trackage, for a total trackage of 6.39 miles to be operated in Clackamas County, OR. The line to be acquired from MWRL extends from a connection with the UP main track at UP milepost 747.568 in the city of Canby, OR, to MP 757.50 at Molalla, a distance of 9.93 miles, and includes 1.45 miles of secondary and yard trackage, for a total trackage of 11.38 miles to be operated in Clakamas County, OR. The projected revenues of OPR will not exceed those of a Class III railroad.

Because OPR did not file its verified notice, as amended, until May 4, 1998, the effective STB Finance Docket No. 33570 date of the exemption was May 11, 1998 (7 days after the exemption was filed).[2]

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33570, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N. W., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Richard A. Samuels, President, Oregon Pacific Railroad Company, P.O. Box 22548, Portland, OR 97269.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: May 12, 1998.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 98–13094 Filed 5–19–98; 8:45 am]

BILLING CODE 4915–00–P

[1] An agreement was reached among the parties on December 31, 1996, to transfer all assets from both EPTC and MWRL to OPR effective January 1, 1997. Due to oversight, OPR has been operating the rail lines since January 1, 1997, without appropriate authority from the Board.

[2] Under 49 CFR 1150.32(b), a notice of exemption does not become effective until 7 days after filing.

DEPARTMENT OF THE TREASURY

Fiscal Service

Fee Schedules for the Issuance of Definitive Securities and TREASURY DIRECT Securities Accounts

AGENCY: Bureau of the Public Debt, Fiscal Service, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury is announcing two schedules of fees for marketable Treasury securities. The schedules are for the fees charged for the issuance of definitive securities and the fees for the annual maintenance of certain TREASURY DIRECT securities accounts.

EFFECTIVE DATE: May 14, 1998.

FOR FURTHER INFORMATION CONTACT: Maureen Parker, Director, Division of Securities Systems, Bureau of the Public Debt, Parkersburg, West Virginia, 26106–1328, (304) 480–7761.

SUPPLEMENTARY INFORMATION:

On January 23, 1995, the Department of the Treasury established fee schedules for the issuance of definitive securities and the maintenance of certain TREASURY DIRECT securities accounts.

The Treasury has decided that the fees for the issuance of definitive securities and the maintenance of certain TREASURY DIRECT Securities Accounts should remain unchanged from the amounts currently in effect.

Schedule of Fees for Definitive Securities

The fee schedule for the issuance of a definitive security is as follows: a fee of $50 will be charged for each definitive security issued on a transfer, reissue, exchange or withdrawal from book-entry form, or as a result of the granting of relief on account of loss, theft, destruction, mutilation or defacement. Payment of the fee must accompany the request for the issues of securities in physical form. If a request results in the issuance of more than one security, the amount of the fee is arrived at by multiplying the number of pieces requested by $50. The fee announced above shall remain in effect until further notice.

Schedule of Fees for TREASURY DIRECT Securities Accounts

The fee schedule for TREASURY DIRECT securities accounts is as follows: each TREASURY DIRECT securities account holding Treasury bonds, notes and bills pursuant to 31 CFR part 357 that exceeds $100,000 in par amount as of a selected date in May of each year will be charged an annual maintenance fee in the amount of $25. This fee shall remain in effect until further notice. Each account holder will be individually billed.

Dated: May 14, 1998.

Van Zeck,

Commissioner of the Public Debt.

[FR Doc. 98–13409 Filed 5–15–98; 1:31 pm]

BILLING CODE 4810–39–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 1040–ES, 1040–ES (NR), 1040–ES (Espanol)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form

1040–ES, Estimated Tax for Individuals, Form 1040–ES (NR), U.S. Estimated Tax for Nonresident Alien Individuals, and Form 1040–ES (Espanol), Contribuciones Federales Estimadas Del Trabajo Por Cuenta Propia Y Sobre el Empleo De Empleados Domesticos—Puerto Rico.

DATES: Written comments should be received on or before July 20, 1998 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Estimated Tax for Individuals (Form 1040–ES), U.S. Estimated Tax for Nonresident Alien Individuals (Form 1040–ES (NR)), and Contribuciones Federales Estimadas Del Trabajo Por Cuenta Propia Y Sobre el Empleo De Empleados Domesticos—Puerto Rico (Form 1040–ES (Espanol)).

OMB Number: 1545–0087.

Form Number: 1040–ES, 1040–ES (NR), 1040–ES (Espanol).

Abstract: Form 1040–ES is used by U.S. citizens and resident aliens to make estimated tax payments of income (and self-employment) tax due in excess of tax withheld. Form 1040–ES (NR) is used by nonresident aliens to pay any income tax due in excess of tax withheld. Form 1040–ES (Espanol) is printed in Spanish for use in Puerto Rico and includes payment vouchers for payment of self-employment tax on a current basis.

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Responses: 40,991,991.

Estimated Time Per Response: 2 hr., 40 min.

Estimated Total Annual Burden Hours: 109,302,321.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 11, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–13452 Filed 5–19–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1116

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1116, Foreign Tax Credit (Individual, Estate, Trust, or Nonresident Alien Individual).

DATES: Written comments should be received on or before July 20, 1998 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Foreign Tax Credit (Individual, Estate, Trust, or Nonresident Alien Individual).

OMB Number: 1545–0121.

Form Number: 1116.

Abstract: Form 1116 is used by individuals (including nonresident aliens), estates, or trusts who paid foreign income taxes on U.S. taxable income, to compute the foreign tax credit. This information is used by the IRS to determine if the foreign tax credit is properly computed.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 589,900.

Estimated Time Per Respondent: 5 hr., 58 min.

Estimated Total Annual Burden Hours: 3,517,279.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of

information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 8, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–13453 Filed 5–19–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8736

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8736, Application for Automatic Extension of Time To File U.S. Return for a Partnership, REMIC, or for Certain Trusts.

DATES: Written comments should be received on or before July 20, 1998 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Application for Automatic Extension of Time To File U.S. Return for a Partnership, REMIC, or for Certain Trusts.

OMB Number: 1545–1054.

Form Number: 8736.

Abstract: Form 8736 is used by partnerships, REMICs, and by certain trusts to request an automatic 3-month extension of time to file Form 1065, Form 1066 or Form 1041. Form 8736 contains data needed by the IRS to determine whether or not a taxpayer qualifies for such an extension.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 36,000.

Estimated Time Per Respondent: 4 hr., 3 min.

Estimated Total Annual Burden Hours: 145,800.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 8, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–13454 Filed 5–19–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8829

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8829, Expenses for Business Use of Your Home.

DATES: Written comments should be received on or before July 20, 1998 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Expenses for Business Use of Your Home.

OMB Number: 1545–1266.

Form Number: 8829.

Abstract: Internal Revenue Code section 280A limits the deduction for business use of a home to the gross income from the business use minus certain business deductions. Amounts not allowed due to the limitations can be carried over to the following year. Form 8829 is used to compute the allowable deduction and any carryover, and the IRS uses the information to verify that these amounts are properly computed.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 4,000,000.

Estimated Time Per Respondent: 2 hr., 35 min.

Estimated Total Annual Burden Hours: 10,360,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 8, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–13455 Filed 5–19–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8453–E

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8453–E, Employee Benefit Plan Declaration and Signature for Electronic/Magnetic Media Filing.

DATES: Written comments should be received on or before July 20, 1998 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Employee Benefit Plan Declaration and Signature for Electronic/Magnetic Media Filing.

OMB Number: 1545–1033.

Form Number: 8453–E.

Abstract: Form 8453–E is used as part of the electronic filing program for Forms 5500, 5500–C/R, and 5500–EZ. The form is the signature document that completes the filing of an employee benefit plan return/report transmitted via electronic or magnetic media.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals and business or other for-profit organizations.

Estimated Number of Respondents: 50,000.

Estimated Time Per Respondent: 54 min.

Estimated Total Annual Burden Hours: 45,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 8, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–13456 Filed 5–19–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 2350

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 2350, pplication for Extension of Time To File U.S. Income Tax Return.

DATES: Written comments should be received on or before May 20, 1998 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Application for Extension of Time To File U.S. Income Tax Return.

OMB Number: 1545–0070.

Form Number: 2350.

Abstract: Form 2350 is used to request an extension of time to file in order to meet either the bona fide residence test or the physical presence test to qualify for the foreign earned income exclusion and/or the foreign housing exclusion or deduction. The information furnished is used by the IRS to determine if the extension should be granted.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households

Estimated Number of Respondents: 22,594.

Estimated Time Per Respondent: 55 min.

Estimated Total Annual Burden Hours: 20,786.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 8, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–13457 Filed 5–19–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8606

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8606, Nondeductible IRAs (Contributions, Distributions, and Basis).

DATES: Written comments should be received on or before May 20, 1998 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Nondeductible IRAs (Contributions, Distributions, and Basis).

OMB Number: 1545–1007.

Form Number: 8606.

Abstract: Internal Revenue Code Section 408(o) allows taxpayers to elect to make nondeductible contributions to individual retirement plans. This section also requires taxpayers to report to the IRS certain information regarding nondeductible contributions and distributions. Form 8606 is used for this purpose.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 997,748.

Estimated Time Per Respondent: 1 hr., 15 min.

Estimated Total Annual Burden Hours: 1,247,185.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 8, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–13458 Filed 5–19–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 943, 943–PR, 943–A, and 943A–PR

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the

Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Forms 943, Employer's Annual Tax Return for Agricultural Employees, 943–PR, Planilla Para La Declaracion Anual De La Contribucion Del Patrono De Empleados Agricolas, 943–A, Agricultural Employer's Record of Federal Tax Liability, and 943A–PR, Registro De La Obligacion Contributiva Del Patrono Agricola.

DATES: Written comments should be received on or before July 20, 1998 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Employer's Annual Tax Return for Agricultural Employees (Form 943), Planilla Para La Declaracion Anual De La Contribucion Del Patrono De Empleados Agricolas (Form 943–PR), Agricultural Employer's Record of Federal Tax Liability (Form 943–A), and Registro De La Obligacion Contributiva Del Patrono Agricola (Form 943A–PR).

OMB Number: 1545–0035.

Form Number: 943, 943–PR, 943–A, and 943A–PR.

Abstract: Agricultural employers must prepare and file Form 943 and Form 943–PR (Puerto Rico only) to report and pay FICA taxes and income tax voluntarily withheld (Form 943 only). Agricultural employers may attach Forms 943–A and 943A–PR to Forms 943 and 943–PR to show their tax liabilities for semiweekly periods. The information is used to verify that the correct tax has been paid.

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 392,443.

Estimated Time Per Respondent: 11 hr., 14 min.

Estimated Total Annual Burden Hours: 4,409,010.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 8, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–13459 Filed 5–19–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8288–B

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8288–B, Application for Withholding Certificate for Dispositions by Foreign Persons of U.S. Real Property Interests.

DATES: Written comments should be received on or before July 20, 1998 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Application for Withholding Certificate for Dispositions by Foreign Persons of U.S. Real Property Interests.

OMB Number: 1545–1060.

Form Number: 8288–B.

Abstract: Section 1445 of the Internal Revenue Code requires transferees to withhold tax on the amount realized from sales or other dispositions by foreign persons of U.S. real property interests. Code sections 1445(b) and (c) allow the withholding to be reduced or eliminated under certain circumstances. Form 8288–B is used to apply for a withholding certificate from IRS to reduce or eliminate the withholding required by Code section 1445.

Current Actions:

Lines 1 through 3 of Form 8288-B have been revised. Line 1 was unclear in its usage and often resulted in duplication of information on lines 2 or 3. In most cases, the filer of the certificate is actually the transferee's or transferor's agent on behalf of the applicant. For this reason, line 1 has been changed to line 4, the header changed to read ''Name of withholding agent,'' and the address block revised so that the requester can inform the IRS where to send the certificate. Also, a separate space on line 4 now requests the name of the estate, trust, or other entity, identification number and phone number. Lines 2 and 3 on the current version are now lines 1 and 2. A box on line 1 of the current version requesting that the applicant identify whether it is the transferee or transferor is now line 3.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals or households.

Estimated Number of Respondents: 5,079.

Estimated Time Per Respondent: 5 hr., 5 min.

Estimated Total Annual Burden Hours: 25,801.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 5, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–13460 Filed 5–19–98; 8:45 am]

BILLING CODE 4830–01–U

UNITED STATES ENRICHMENT CORPORATION

Sunshine Act Meeting

AGENCY: United States Enrichment Corporation.

SUBJECT: Board of Directors.

TIME AND DATE: Friday, May 15, 1998.

PLACE: Telephonic Meeting.

STATUS: The Board meeting will be closed to the public.

MATTER TO BE CONSIDERED: Issues related to privatization of the Corporation and other commercial, financial and operational issues of the Corporation.

CONTACT PERSON FOR MORE INFORMATION: Elizabeth Stuckle at 301/564–3399.

Dated: May 15, 1998.

William H. Timbers, Jr.,

President and Chief Executive Officer.

[FR Doc. 98–13523 Filed 5–15–98; 8:45 am]

BILLING CODE 8720–01–M

DEPARTMENT OF VETERANS AFFAIRS

Veterans' Advisory Committee on Environmental Hazards, Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the Veterans' Advisory Committee on Environmental Hazards has been renewed for a 2-year period beginning April 27, 1998, through April 27, 2000.

Dated: May 12, 1998.

By direction of the Secretary.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 98–13367 Filed 5–19–98; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF VETERANS AFFAIRS

Gulf War Expert Scientific Advisory Committee, Notice of Availability of Executive Summary of Meeting Held on March 30–31, 1998

Notice is hereby given that the Executive Summary of the Gulf War Expert Scientific Advisory Committee meeting held on March 30–31, 1998, is available.

The Executive Summary outlines the activities and recommendations of the meeting relative to patient care and medical diagnoses affecting Gulf War era veterans. It is available for public inspection at the below location:

Dr. Robert Allen (13), Executive Secretary, Department of Veterans Affairs, Office of Public Health and Environmental Hazards, VA Central Office, Room 872, 810 Vermont Avenue, NW., Washington, DC 20420.

Dated: May 11, 1998.

By Direction of the Secretary.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 98–13368 Filed 5–19–98; 8:45 am]

BILLING CODE 8320–01–M

federal register

Wednesday
May 20, 1998

Part II

Department of Health and Human Services

45 CFR Part 46

Protection of Human Research Subjects; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 46

RIN 0925–AA14

Protection of Human Research Subjects

AGENCY: Department of Health and Human Services (HHS).

ACTION: Notice of Proposed rulemaking.

SUMMARY: The Department of Health and Human Services (HHS) is proposing to amend its human subjects protection regulations applicable to research conducted or supported by HHS, by replacing the existing Subpart B of the regulations entitled ''Additional DHHS Protections Pertaining to Research, Development, and Related Activities Involving Fetuses, Pregnant Women, and Human In Vitro Fertilization'' with new regulations entitled ''Additional DHHS Protections for Pregnant Women, Human Fetuses, and Newborns Involved as Subjects in Research, and Pertaining to Human In Vitro Fertilization.'' This revision continues the Department's recognition of the need to provide special protections for the human fetus and newborn in research, while eliminating unnecessary barriers to consent to research that can benefit fetuses or newborns.

Additionally, consistent with recent practices and statutory changes, this proposed regulation provides a mechanism for special ethical reviews on an ad hoc basis as may be deemed appropriate by the Secretary, HHS.

DATES: Comments on the proposed regulation must be received on or before August 18, 1998.

ADDRESSES: Comments must be mailed to: Carol Wigglesworth, Senior Policy Analyst, Office for Protection from Research Risks, 6100 Executive Boulevard, Suite 3B01, MSC–7507, Rockville, MD 20892–7507. The Department invites written comments on the proposed regulations and requests that comments identify the specific regulatory provisions to which they relate.

FOR FURTHER INFORMATION CONTACT: Carol Wigglesworth, Senior Policy Analyst, Office for Protection from Research Risks, 6100 Executive Boulevard, Suite 3B01, MSC–7507, Rockville, MD 20892–7507, (301) 402–5913 (not a toll-free number). Interested persons may obtain a fax copy of the current regulations for the protection of human research subjects (45 CFR 46), including Subpart B as well as Subparts A, C, and D, by telephoning (301) 594–0464 (not a toll free number) and requesting document number 1004.

SUPPLEMENTARY INFORMATION:

Background

On August 8, 1975, The Department of Health and Human Services (HHS) [then the Department of Health, Education, and Welfare (HEW)] published regulations pertaining to research involving fetuses, pregnant women, and human in vitro fertilization. Those regulations were consistent with the recommendations of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (National Commission) and were codified at Subpart B of Title 45, Part 46, of the Code of Federal Regulations. Along with subsequent secondary changes, incorporated on January 11, 1978 and June 1, 1994, these regulations remain in force today. Both the 1975 Report of the National Commission and the 1975 regulations were published in the **Federal Register** on August 8, 1975 (40 FR 33526 (1975)).

During the last four years, the following pertinent events involving research covered by the 1975 regulations occurred:

- The enactment on June 10, 1993 of the ''National Institutes of Health (NIH) Revitalization Act of 1993'' (Pub. L. 103–43) nullifying the HHS regulatory requirement for Ethical Advisory Board review of research involving in vitro fertilization of human ova at 45 CFR 46.204(d) (59 FR 28276 (1994)).
- The 1994 recommendations of the Institute of Medicine Committee on the Ethical and Legal Issues Relating to the Inclusion of Women in Clinical Studies urging the Office for Protection from Research Risks (OPRR), HHS, to ''* * * revise and reissue subpart B * * *'' of the human subject protection regulations consistent with the Committee's recommendations for enhanced inclusion of women in research studies (*Women and Health Research:* Ethical and Legal Issues of Including Women in Clinical Studies, National Academy Press, 1994).
- The issuance of a Food and Drug Administration ''Guideline for the Study and Evaluation of Gender Differences in the Clinical Evaluation of Drugs'' on July 22, 1993 (58 FR 39406 (1993)), the issuance of NIH ''Guidelines on the Inclusion of Women and Minorities as Subjects in Clinical Research'' on March 28, 1994 (59 FR 14508 (1994)), and the issuance of a Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry ''Policy on the Inclusion of Women and Racial and Ethic Minorities in Externally Awarded Research'' on September 15, 1995 (60 FR 47947 (1995)), each designed, in part, to improve the opportunity for women to be included as human subjects in research.
- The enactment on September 30, 1996, of the ''Omnibus Consolidated Fiscal Year 1997 Appropriations Act'' (Pub. L. 104–208) prohibiting HHS from using funds appropriated by the act for (i) the creation of a human embryo or embryos for research purposes, or (ii) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)). On January 26, 1996, identical language pertinent to FY 1996 funds had been enacted in Pub. L. 104–99.

The impact of these events on research involving pregnant women, fetuses, and in vitro fertilization and the fact that there had been no major review of the regulations applicable to these subjects for nearly two decades, presented a forceful argument for a contemporaneous review of these regulations.

The OPRR, located at NIH, has HHS-wide responsibility for the development, implementation, and compliance oversight of these regulations. The Director, OPRR, convened the Public Health Service Human Subject Regulation Drafting Committee, a committee of representatives of the heads of the pertinent operating components within the Public Health Service, to evaluate Subpart B of 45 CFR Part 46 and to consider if revisions were in order. Beginning in May 1994, this committee met twice monthly over the next 14 months to review the regulations and to make recommendations for any needed revisions.

The Drafting Committee found that the regulations provide adequate protections for women and fetuses. In light of the IOM Report and the NIH guidelines on the Inclusion of Women and Minorities as subjects in Clinical Research, the Drafting Committee concluded that women ought not be unnecessarily excluded from research on the basis of pregnancy.

Accordingly, this proposed rule institutes a policy of presumed opportunity for inclusion of pregnant women in research in place of one of presumed exclusion. Similarly, the proposed rule modifies the consent requirements for fetal research to remove potential barriers to therapeutic research that might provide medical

benefit to a fetus. The Drafting Committee also found that nonsubstantive technical, formatting, and clarifying changes are in order.

In the midst of the Drafting Committee's evaluation and discussion, the National Task Force on AIDS Drug Development, chaired by the Assistant Secretary for Health, recommended that the regulations applicable to pregnant subjects of research be amended to remove any requirement that permission or consent of the father of the fetus be obtained before the woman could become a research subject. The Drafting Committee carefully reviewed the issue of a ''paternal consent'' requirement for participation of pregnant women and has incorporated into this proposed rule changes which are responsive to the recommendation of the Task Force. The Presidential Advisory Council on HIV/AIDS subsequently addressed the matter of paternal consent during their December 1995 meeting, and recommended that the Secretary, HHS publish for public comment proposed regulations regarding participation of pregnant women in clinical trials, with a revision which will provide that the lack of a written consent from the father of the fetus will not disqualify a pregnant woman from participation in a federally funded clinical trial.

The Drafting Committee approved a proposed rule and recommended that the Assistant Secretary for Health and the Secretary, HHS, publish the proposal for public comment. The notice of proposed rulemaking fulfills that recommendation.

Proposed Changes to Subpart B

See Figure 1 and Table 1.

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Figure 1. Relationships Among Selected Terms Employed in Proposed Subpart B.

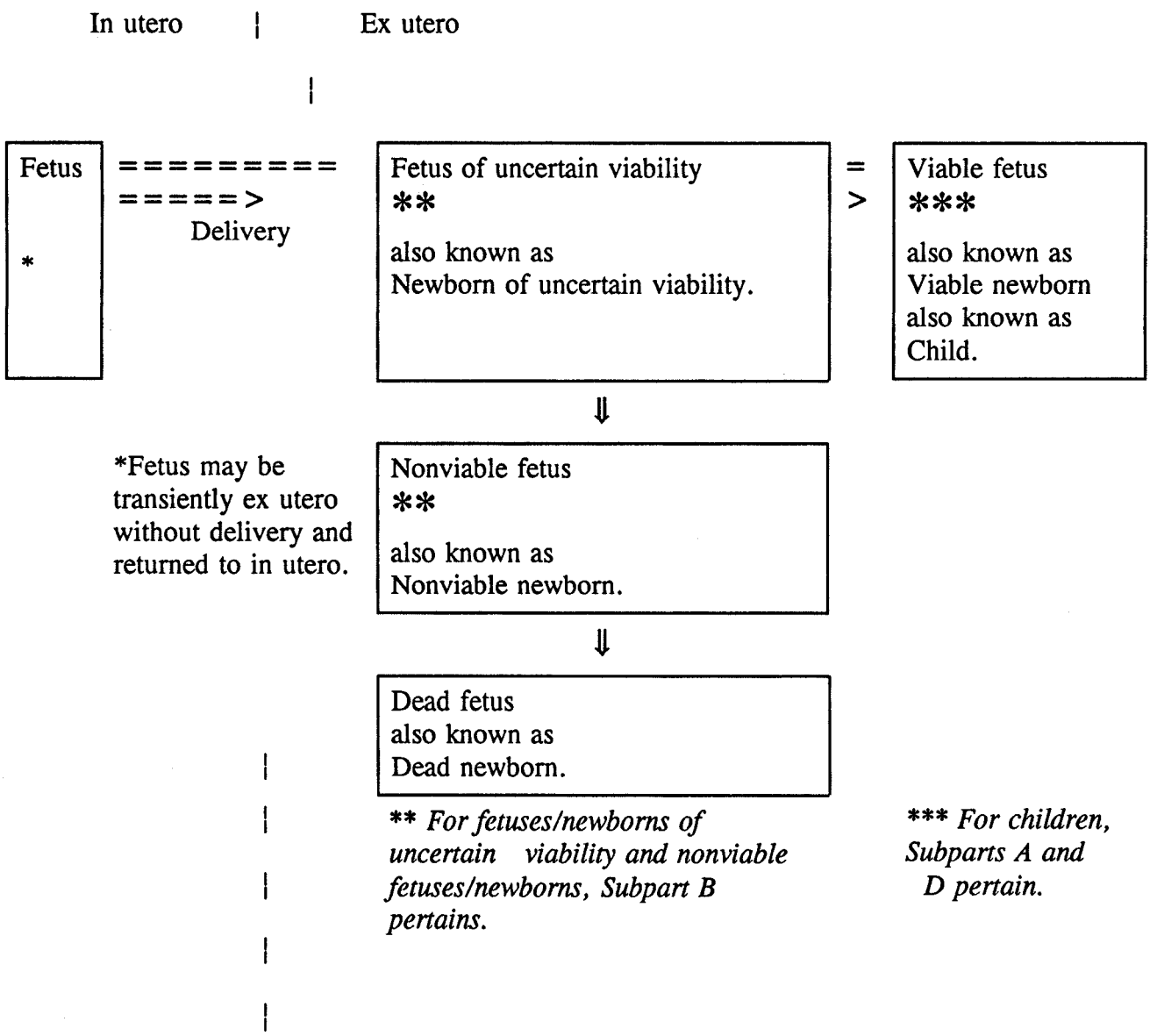

TABLE 1 - Current and Proposed 45CFR46, Subpart B

Content	Current Regulations	Proposed Changes
General limitations.	Appropriate studies on animals and nonpregnant individuals must have been completed.	*No substantive change*. Language is more explicit about preclinical and clinical studies and resulting data to assess potential risks.
	Individuals engaged in research will have no part in any decisions as to the timing, method, and procedures used to terminate the pregnancy, and in determining the viability of the fetus at the termination of the pregnancy. Inducements, monetary or otherwise, may not be offered to abort pregnancy.	*No substantive change*. Redundant language deleted.
Regulatory presumption.	Presumption of *exclusion* of pregnant women from research. Language states "No activity... may be undertaken unless...".	Presumption of *inclusion* of pregnant women in research. Language states "Pregnant women may be involved if all the following conditions are met...".
Definitions:		
"Pregnancy"	From confirmation of implantation until expulsion or extraction of the fetus.	*No substantive change*. Defined as implantation until delivery.
"Fetus"	The product of conception from implantation to an ex utero determination of viability.	*No substantive change*. "[F]rom implantation" replaced with "during pregnancy." "[P]regnancy" defined as implantation until delivery.
"Newborn"	No definition in current rule.	Defined as a fetus after delivery.
"Viable" (current rule) = "viable fetus" or "viable newborn" (proposed)	A fetus that is able to survive, ex utero, to the point of independently maintaining heart beat and respiration.	*No substantive change*. Reference to "newborn" added and reference to "infant" deleted.
"Nonviable fetus" (current rule) = "nonviable fetus" or "nonviable newborn" (proposed)	A fetus, ex utero, which, although living, is not viable.	*No substantive change*. Reference to "newborn" added.
"Dead fetus" (current rule) = "dead fetus" or "dead newborn" (proposed)	A fetus ex utero which exhibits neither heartbeat, spontaneous respiratory activity, spontaneous movement of voluntary muscles, nor pulsation of the umbilical cord (if attached).	*No substantive change*. Reference to "newborn" added.
"Children"	No definition in current rule.	Defined as persons who have not attained the legal age for consent, consistent with 45CFR46, Subpart D.
"In vitro fertilization"	Fertilization of human ova outside of the body.	*No change*.
Research involving in vitro fertilization.	IRB review and approval required.	*No change*.
Exempt research.	No categories of research are exempt.	Exemptions at 46.101(b)(1)-(6) pertain.

Research involving pregnant women.	Any risk to the fetus must be the least possible risk for achieving the objectives of the research. Either (1) the purpose of the activity is to meet the health needs of the mother and the fetus will be placed at risk only to the minimum extent necessary to meet such needs, or (2) the risk to the fetus is minimal. Consent of the mother and consent of the father are required unless the purpose is to meet the health needs of the mother, or the father is unknown, unavailable, or the pregnancy resulted from rape.	*No substantive change.* This section combined with section on research involving fetuses. *No substantive change.* The risk to the fetus is not greater than minimal, or any risk to the fetus which is greater than minimal is caused solely by activities designed to meet the health needs of the mother or her fetus. Consent of the father is not required. Consent of the mother *or* her legally authorized representative is required. Mother must be informed of the reasonably foreseeable impact of the research on the fetus.
Research involving fetuses.	Any risk to the fetus must be the least possible risk for achieving the objectives of the research. Either (1) the purpose of the activity is to meet the health needs of the particular fetus and the fetus will be placed at risk only to the minimum extent necessary to meet such needs, or (2) the risk to the fetus imposed by the research is minimal and the purpose of the activity is the development of important biomedical knowledge which cannot be obtained by other means. Consent of the mother *and* consent of the father are required unless the father is unknown, unavailable, or the pregnancy resulted from rape.	*No substantive change.* This section combined with section on research involving pregnant women. *No substantive change.* The risk to the fetus is not greater than minimal, or any risk to the fetus which is greater than minimal is caused solely by activities designed to meet the health needs of the mother or her fetus. The requirement for IRB determination about purpose of activity is obviated by new requirement for mother's determination about participation in the activity after being informed about risk to fetus. Consent of the father is not required. Consent of the mother *or* her legally authorized representative is required. Mother must be informed of the reasonably foreseeable impact of the research on the fetus.
Research involving newborns of uncertain viability.	There may be no added risk from the research activity unless the purpose of the research is to enhance the possibility of survival of the particular fetus to the point of viability. Purpose must be the development of important biomedical knowledge which cannot be obtained by other means. Consent of legally competent mother and consent of legally competent father are required, unless the father is unknown, unavailable, or the pregnancy resulted from rape.	*No change.* Consent of the mother *or* the father is required, *or* that of a legally authorized representative of the mother *or* father if both parents are unavailable, temporarily incapacitated, or incompetent.
Research involving nonviable newborns.	The vital functions of the newborn may not be artificially maintained, the research may not terminate the heartbeat or respiration, and there may be no added risk of injury or death. Purpose must be the development of important biomedical knowledge which cannot be obtained by other means. Consent of legally competent mother and consent of legally competent father are required, unless the father is unknown, unavailable, or the pregnancy resulted from rape.	*No change.* Consent of the mother and father are required, *unless* one is unavailable, incompetent, or temporarily incapacitated. Consent of a legally authorized representative is prohibited.
Research involving viable newborns.	Requires that the research be conducted in accord with requirements of other Subparts.	*No substantive change.* An explicit reference to Subpart D, Additional Protections for Children, is added.

Provision for special review by experts.	Requires one or more HHS Ethical Review Boards (EAB) to render advice on issues raised by applications or proposals. Secretary has authority to establish classes of research that must be reviewed by the EAB.	Requirement for EAB deleted. Provides Secretary, HHS, with the discretion, after consulting, as needed with a panel of experts, to modify or waive requirements for specific projects or classes of research.

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Section 46.201 To what do these regulations apply?

Paragraph (a)—There is no substantive change to this paragraph. Consistent with recent revisions of other subparts of Part 46, references to grants and contracts are deleted to demonstrate that these regulations apply to all activities, intramural and extramural, which are conducted or supported by the Department.

Paragraph (b)—It is now proposed that the exemptions at § 46.101(b)(1)–(6) of Subpart A be applicable to Subpart B. These exemptions were proposed, discussed, and promulgated subsequent to the last substantive revision of Subpart B. The proposals, discussions, and promulgations of these exemptions were published in the **Federal Register** on: August 14, 1979 (exemptions first proposed, 44 FR 47688); January 26, 1981 (exemptions first promulgated, 46 FR 8366); March 22, 1982 (new exemption proposed, 47 FR 12276); March 4, 1993 (new exemption promulgated, 48 FR 9276); March 8, 1983 (exemptions added to Subpart D of 45 CFR 46, 48 FR 9814); June 3, 1986 (exemptions proposed for proposed Model Federal Policy for the Protection of Human Subjects, 51 FR 20204); November 10, 1988 (exemptions proposed in revised proposed Federal Policy for the Protection of Human Subjects, 53 FR 45661); and June 18, 1991 (exemptions revised in promulgation of Federal Policy for the Protection of Human Subjects, 56 FR 28003). The Department is particularly interested in comment on the inclusion of these exemptions.

Paragraph (c)—This provision extends the additions, exceptions, and provisions for waiver, as set forth in paragraphs (c) through (i) of § 46.101 of Subpart A of Part 46, to the regulations at Subpart B. The provision is identical to § 46.401(c) of the regulations providing additional protection for research involving children. It does not appear in the existing Subpart B only because the additions, exceptions, and provisions for waiver were not included in Subpart A at the time Subpart B was promulgated.

Paragraphs (c) through (i) of § 46.101 address: the authority of Department and Agency heads to determine the applicability of the regulations to specific research activities or classes of research activities (paragraphs (c), (d), and (i)); the relationship of the regulations to any Federal laws or regulations providing additional protection for human subjects (paragraph (e)); the relationship of the regulations to any state or local laws or regulations which provide additional protection for human subjects (paragraph (f)); the relationship of the regulations to foreign laws or regulations which provide additional protection for human subjects (paragraph (g)); and the authority of Department and Agency heads to determine the applicability of foreign procedures for the protection of human subjects which differ from the requirements of the regulations (paragraph (h)). Note that the proposed § 46.201(c) clarifies that the reference to State or local laws is intended to include the laws of federally recognized American Indian and Alaska Native Tribal Governments.

The authority for determinations by Department and Agency heads under those provisions and the recognition of Federal, State, local, and foreign laws and regulations that provide additional protection for human subjects can and should be applied to the research covered by Subpart B in the same manner as they apply to other research involving human subjects.

Section 46.202 Definitions

The text of the existing § 46.202, ''Purpose,'' is unnecessary because it does not provide any substantive guidance. It is deleted in the proposed regulation. The absence of a ''purpose'' section is consistent with Subparts A and D of 45 CFR Part 46.

Definitions in existing § 46.203 are moved to § 46.202 in the proposed regulation. The definitions in the proposed regulation are substantively the same as those in the existing regulation; some language has been clarified or simplified and definitions of ''newborn'' and ''children'' are provided.

Paragraph (a) *''Secretary''*—no change

Paragraph (b) *''Pregnancy''*—The definition conforms with the standard medical definition of pregnancy. The phrase ''expulsion or extraction of the fetus'' has been replaced by the commonly used term ''delivery'' here and throughout Subpart B. The word ''confirmation'' of implantation has been deleted as unnecessary. (If a woman shows any presumptive sign of pregnancy, such as missed menses, she is considered pregnant until the results of a pregnancy test are negative or until delivery.)

Paragraph (c) *Fetus*—the definition has been simplified by adding the phrase ''during pregnancy'' and deleting reference to ex utero.

Paragraph (d) *Newborn*—the definition is new and equates to a fetus after delivery.

Paragraph (e) *Nonviable fetus or nonviable newborn*—the definition replaces the current definition of ''nonviable fetus'' which refers to fetuses ex utero. Both terms (fetus and newborn) are provided because some persons may prefer one term to the other depending on the length of the gestational period. No substantive change is intended.

Paragraph (f) *Dead fetus or dead newborn*—the definition replaces the definition of dead fetus which pertains to a fetus ex utero. Both terms (fetus and newborn) are provided because some persons may prefer one term to the other depending on the length of the gestational period. No substantive change is intended.

Paragraph (g) *Viable fetus or viable newborn*—the definition refers to fetuses after delivery and replaces the current definition which refers to fetuses ex utero. A viable fetus or a viable newborn is a child. Both terms (fetus and newborn) are provided because some persons may prefer one term to the other depending on the length of the gestational period. The meaning of viability is unchanged, and a reference to Subpart D is added.

Paragraph (h) ''Children''—the definition in Subpart D is repeated in this subpart for ease of reference.

Paragraph (i) *''In vitro fertilization''*—no change.

Section 46.203 Duties of IRBs in Connection With Research Involving Pregnant Women, Human Fetuses, Newborns and Human in Vitro Fertilization

Definitions in existing § 46.203 are found in § 46.202 in the proposed regulation.

Definitions in existing § 46.203 are found in § 46.202 in the proposed regulation. There is no substantive change to this section; the language is more concise. The proposed § 46.203 would replace the existing § 46.205 regarding IRB duties, which is duplicative of language in Subpart A.

In assessing research involving pregnant women, IRBs must be attentive to the Department's objective that research it supports include pregnant women unless there are compelling reasons to exclude them. In other words, the presumption is one of inclusion, not exclusion.

Pregnant women are not a vulnerable population solely by virtue of pregnancy. IRBs should consider if proposed research has the potential to diminish or interfere with this population's ability to make a decision. That is, in its review, the IRB should note that the intent of ''vulnerable'' in Subpart A, section 46.111(a)(3) and (b) of these regulations, when applied to pregnant women, is not that pregnant women have less capacity to make autonomous decisions than men or non-pregnant women, but that sometimes the medical management of pregnancy has the potential to apply coercion to a woman due to her concerns for the health of the fetus. This may be particularly relevant in the case where a researcher views a planned research activity as potentially highly beneficial to a pregnant woman with a life-threatening illness or to a fetus and, therefore, the researcher believes that the potential benefit of the planned research should override the autonomy of a pregnant woman. The 1978 report of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (the *Belmont Report*), and the resulting regulations in 45 CFR 46, stand in direct contrast to that position. *The Belmont Report* shall guide the interpretation of the regulations in section 46.203 so that a pregnant woman's decisionmaking autonomy is always preeminent.

Section 46.204 Research Involving Pregnant Women or Fetuses

The existing § 46.204 entitled ''Ethical Advisory Boards'' calls for the establishment of one or more standing EABs by the Secretary, HHS. These EABs were to have had broad expertise and advise the Secretary with regard to ethical issues raised by research activities covered by Subpart B. This proposed regulation deletes the text of existing § 46.204 (a)–(c) and proposes a provision for convening an ad hoc panel of expert consultants to review proposals for modification or waiver of the regulation which are raised by individual research proposals. (See proposed § 46.207). An EAB has not existed within the Department since 1980, and § 46.204(d), which required EAB review prior to HHS funding of human in vitro fertilization, was nullified June 10, 1993, by the NIH Revitalization Act of 1993, Pub. L. 103–43.

The obligations and requirements in existing §§ 46.206 (General limitations), 46.207 (Activities directed toward pregnant women as subjects) and 46.208 (Activities directed toward fetuses in utero as subjects), are combined into a single section in the proposed rule, § 46.204, for ease of reference.

From the standpoint of risk to mother or fetus, it is irrelevant whether research is ''directed toward'' the woman or directed toward the fetus, because research on either affects both. Thus, if a pregnant woman and her fetus are involved in research, regardless of whether she or her fetus is the object of the research, the protections should be essentially identical. Accordingly, the proposed regulation combines all relevant protections for pregnant women and fetuses into a single section and deletes any reference to the object of the research.

The proposed rule adds specificity to the current requirement for preclinical studies on animals and nonpregnant individuals, by calling for ''scientifically'' appropriate studies, including studies on pregnant animals, that provide data to assess potential risks (proposed § 46.204(a)).

The proposed risk threshold is unchanged. Pregnant women or fetuses may not be involved in research unless the risk to the fetus is not greater than minimal, except when the risk to the fetus is caused solely by research designed to meet the health needs of the mother or the fetus (proposed § 46.204(b)). The existing requirement that any risk be the least possible risk for achieving the objectives of the research is also unchanged in the proposed regulation.

The proposed regulation includes a reminder (proposed § 46.204(f)) that research involving pregnant children is subject to the requirements for research involving children in 45 CFR Part 46, Subpart D, Additional DHHS Protections for Children Involved as Subjects in Research.

The existing prohibition on the involvement of research personnel in decisions regarding the timing, method, or procedures to terminate a pregnancy, and in determinations of viability is unchanged (proposed § 46.204(g)). The phrase ''terminate the pregnancy'' is replaced by ''abort'' in the proposed rule. The existing prohibition on inducements to terminate pregnancy is strengthened by deleting the phrase ''for purposes of the activity'' (i.e., research), thus barring any inducement to abortion regardless of the purpose (proposed § 46.204(h)).

The proposed regulation strengthens the existing requirements for informed consent by requiring that the pregnant woman be informed of the reasonably foreseeable impact on the fetus, irrespective of the focus of the research (proposed § 46.204(d)).

Current regulations require, in most instances, that both parents consent and be legally competent. The Department concurs with recent recommendations of the Presidential Advisory Council on HIV/AIDS and the National Task Force on AIDS Drug Development regarding paternal consent and finds that the fetus is best served by eliminating unnecessary barriers to consent for research that has the possibility of benefitting the fetus. Therefore, the proposed regulation modifies the parental consent requirements by permitting research based on the consent of the mother or her legally authorized representative (proposed § 46.204(e)).

The existing regulation (§§ 46.207(b) and 46.208(b)) permits research involving pregnant women and fetuses only if the mother and father are legally competent and have given their informed consent. The father's consent is not required under certain circumstances: if his identity or whereabouts cannot reasonably be ascertained, if he is not reasonably available, or if the pregnancy resulted from rape. Nor is the father's consent required if the purpose of the research is to meet the health needs of the mother.

When research is directed toward the health needs of the fetus, there is currently no exception to the paternal consent requirement equivalent to the one for the health needs of the mother. Thus, under the existing regulation, there are instances in which research intended to benefit the fetus may not occur because one parent refuses, or because one parent is not legally competent.

The parental consent rules in the existing regulation are based in part on the studies and recommendations of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. The history of the Commission's consideration of the issue and the resulting regulation is pertinent to the proposed modification. In its Research on the Fetus: Report and Recommendations (May 1975), the Commission proposed that: (1) only the woman's consent be required when the research was directed toward her health needs; and (2) in the other kinds of research, the woman's consent be required and be sufficient if the father does not object (page 73). The final rule published on August 8, 1975 as 45 CFR Part 46, Subpart B, Additional DHHS Protections Pertaining to Research, Development, and Related Activities Involving Fetuses, Pregnant Women, and Human In Vitro Fertilization (the existing rule) incorporated the first part of this recommendation, but with respect to research not directed toward the mother's needs it went beyond the recommendation by requiring explicit consent from the father (with the exceptions described above). The rationale was one of practical implementation: the most effective way of determining that the father did not object was to request his consent (40 FR 33526–33527 (1975)).

The Commission looked again at the role of parental consent in its 1976 report, Research Involving Children: Report and Recommendations. It recommended that: (1) the permission [1] of only one parent be required for research involving children that either was not greater than minimal risk, or presented the prospect of direct benefit to the child; and (2) the permission of both parents be required for any other, more problematic, research (pages 12–14). This recommendation was incorporated into 45 CFR Part 46, Subpart D, Additional DHHS Protections for Children Involved as Subjects in Research.

The Commission's recommendations regarding parental consent differ for fetuses and for children despite the similarities when they are subjects of research. The similarities are striking: neither the fetus nor the child (especially an infant) can give consent; the fetus and the child are both vulnerable; both the mother and father have an interest in and legal responsibility for their fetus or their child. Yet the existing requirements for parental consent, based largely on the Commission's recommendations, treat children and fetuses differently. The Commission did not examine or explain the inconsistency. It acknowledged that its report about the fetus was hurried, was its first task, and was done out of sequence (before first examining research in general) (page 61).

In actual experience, one approach to parental consent has presented no problems, the other several problems. Since the regulation for research on children (Subpart D) was issued in 1983, there has been no reported abuse resulting from the policy of requiring only one parent's permission for a child's participation in research that presents no greater than minimal risk or may be of direct benefit to the child or infant. Although both parents have an interest in and responsibility for their child, no parent has been reported to object that research may be conducted with only one parent's permission. Since the regulation governing research on the fetus (Subpart B) was issued in 1975, however, the required consent of both parents for fetal research has posed some difficulties. For example, in the recent trial of the drug zidovudine (AZT) in pregnant women with HIV infection (showing that the drug reduced the percentage of newborns infected with HIV), the requirement to obtain the father's consent was an obstacle to the participation of some women. Some fathers, while ''available'' in some literal sense, did not wish to be involved with the woman or her pregnancy in any way. In some situations, asking for the father's consent introduced the possibility of retaliation against the pregnant woman by the father. The result in some instances was that fetuses who could benefit from participating in research were excluded when the paternal consent required by the existing regulation could not be obtained.

The barriers to participation posed by the requirement that both parents consent, and the experience with consent by one parent under the regulation for research on children, suggest that accepting consent by one parent provides effective protection for the interests of the fetus and enhances the opportunities for the fetus to benefit from research. In light of the physical realities of pregnancy, any research involving or directed toward the fetus necessarily involves the pregnant woman, and her consent must be sought. Absent her consent, the research could not take place even if the father did consent. Thus, if the consent of one parent is to be sufficient, that parent must be the mother.

The Department recognizes the father's likely interest in and responsibility for the fetus and strongly encourages paternal involvement in decision-making with respect to offspring. The father can normally be assumed to have as much interest, feeling, and concern for the future well-being of the fetus as the mother.

The basic requirements for consent to research in Subpart A offer a framework for participation of the father. Consent may be sought only under circumstances that provide sufficient opportunity to consider whether or not to participate (§ 46.116). In considering whether to participate, many women would wish to consult with the father. In other situations, to seek the consent of the father could be detrimental to the mother or could be an obstacle to a potential therapy for a fetus. The pregnant woman is in the best situation to determine whether she should consult with the father.

Thus, the Department proposes to modify the regulation to accept consent from the mother alone as a sufficient basis for participation of the fetus in the limited classes of research permitted under this subpart, i.e., minimal risk research or research designed to meet the health needs of the mother or her fetus.

A similar barrier to participation is created by the requirement that both parents be legally competent before their consent can be accepted for a fetus to participate in research. Under the other subparts of 45 CFR Part 46 (including the provisions governing research on children (§ 46.408(b))) consent from a legally authorized representative is adequate for participation in research. Thus, it is proposed that consent from a legally authorized representative of the mother could be used as a substitute for the mother's consent (proposed § 46.204(e)). This permits participation in research, including research directed towards the health needs of the pregnant woman or her fetus, even though the pregnant woman is a minor but not emancipated under state law, or is legally incompetent for other reasons. The authorized representative could in many instances be the father.

The proposed changes would establish a consent process that has choice about the best interests of the fetus as its principal objective. The rights and responsibilities of parents and families are recognized by requiring appropriate review and parental involvement.

[1] The term ''permission'' as used by the Commission and in Subpart D has the same meaning as ''consent'' for the purposes of this discussion.

Section 46.205 Research Involving Newborns of Uncertain Viability, Nonviable Newborns, and Viable Newborns

It is proposed that the existing § 46.209 be replaced by this section. A number of clarifications are made and the consent requirement is modified to remove barriers to potentially therapeutic research. The proposed title refers to newborns, rather than ''fetuses ex utero,'' and reflects more clearly the three types of situations that may arise after delivery: (a) Viability of the newborn may not be known, (b) the newborn may be known to be nonviable, or (c) the newborn may be known to be viable. The term ''activity'' is changed to ''research'' for consistency with other portions of the subpart and to reflect that the regulation addresses risks associated with research activities in contrast to those associated with therapeutic activities that are part of the accepted standard of care.

a. Proposed § 46.205(a) acknowledges that there is sometimes a period of uncertainty about the viability of a newborn. In accordance with section 498 of the Public Health Service Act, 42 U.S.C. 289g, the proposed section limits research during this period to either research that evaluates activities designed to enhance the probability of survival of that particular newborn to viability or risk free research, the purpose of which is the development of important biomedical knowledge which cannot be obtained by other means. As has been the case under the existing regulations, the application of this condition will permit research activities that, in and of themselves, pose no risk to the newborn, such as observational research using monitors or other devices that are already in place as part of normal therapeutic practice, if the purpose of the research is the development of important biomedical knowledge which cannot be obtained by other means.

It is proposed that the consent requirement for research activities on newborns of uncertain viability be changed from the consent of both parents to the consent of either parent, and that the competency requirement for mother and father, in the existing § 46.209(d), be deleted. It is further proposed that if neither parent is able to consent for the reasons given, then the consent of a legally authorized representative of either is sufficient. This less restrictive consent requirement is appropriate for the limited scope of research activities that either must enhance the possibility of survival to viability or pose no risk and be directed toward the development of important biomedical knowledge that cannot be obtained by other means.

The existing regulation, while generally requiring consent from both parents, also recognizes that there may be circumstances when it is not reasonable to require the father's consent; in those circumstances, it allows consent from only one parent, the mother. For research involving the fetus, the mother must clearly be the one to consent. After delivery, however, if consent is to be required from only one parent, HHS proposes that it is appropriate to allow for consent from either the mother or the father. In formulating the new requirement, it is recognized that there may also be circumstances when it is not possible to obtain the mother's consent, (e.g., the mother is under general anesthesia as a result of a surgical delivery). Because of the critical nature of life-saving interventions performed on newborns of uncertain viability, and the limited time available to make decisions regarding participation in potentially beneficial research to enhance the possibility of their survival, the proposed regulation also allows for consent by a legally authorized representative, if needed.

b. With regard to research on nonviable newborns, the proposed regulation is more restrictive. It does not permit a legally authorized representative to consent, and the provisions for IRB waiver of informed consent in Subpart A of 45 CFR Part 46 are not authorized. Research involving nonviable newborns will continue to be strictly limited (i.e., the proposed regulation retains the requirement that the proposed research poses no added risk to the fetus of suffering injury or death and the purpose of the research activity be the ''development of important biomedical knowledge that cannot be obtained by other means,'' and the prohibition against the use of artificial life support or research that would terminate heartbeat or respiration).

In the existing regulation, the consent of both parents is required for research on the nonviable newborn unless, for the reasons given, consent of the father cannot reasonably be obtained then the mother's consent will suffice. In the proposed regulation, the consent of both parents is also required, but if either parent is unable to consent, then the legally effective consent of the other parent will suffice.

The requirement in the existing regulation that both parents be legally competent is replaced by a requirement that at least one parent be competent and provide consent. If neither parent is able to give consent, whether it is because of incompetence or because of some other reason, the research will not be allowed.

c. No substantive changes are proposed to the existing provisions addressing research involving viable newborns. A reference to Subpart D is included.

Section 46.206 Research Involving, After Delivery, the Placenta, the Dead Newborn, or Fetal Material

It is proposed that the existing § 46.210 be replaced by this section. No substantive changes are proposed to the current provisions. The intent of the existing regulation, that *all* placentas after delivery are covered by this section, is clarified.

The Department notes that for cultural reasons, many ascribe special value and significance to the placenta. Further, State, local, or tribal jurisdictions that have laws or regulations concerning research involving the placenta do not necessarily distinguish between the placentas of living or dead fetuses or newborns.

Paragraph (b) of § 46.206 is proposed as a reminder that if, in the course of using the placenta, the dead newborn, or fetal material, a living person (e.g., the mother) is identified in the research, then that living person (e.g., the mother) is a research subject (see definition of human subject at 45 CFR 46.102(f)). In that case, the other subparts of 45 CFR Part 46 are applicable and the researcher is responsible for obtaining any necessary review, assurance, approval, and informed consent.

Section 46.207 Modification or Waiver of Specific Requirements

This proposed section, to replace the existing § 46.211, is parallel to the waiver provisions of Subpart C at § 46.306(a)(2)(C) and (D) and Subpart D at § 46.407. This provision allows the Secretary, HHS, to modify or waive requirements after consultation with appropriate experts and opportunity for public review and comment. In making such a decision, the Secretary must consider whether the risks to the subjects are so outweighed by the sum of the benefits to the subjects and the importance of the knowledge to be gained as to warrant the modification or waiver.

The proposed rule removes the requirement for an EAB, consistent with the NIH Revitalization Act of 1993 (Public Law 103–43).

The following statements are provided for the information of the public.

Executive Order 12866

Executive Order 12866 requires that all regulatory actions reflect consideration of the costs and benefits they generate, and that they meet certain standards, such as avoiding the imposition of unnecessary burdens on the affected public. If a regulatory action is deemed to fall within the scope of the definition of the term ''significant regulatory action'' contained in § 3 (f) of the Order, pre-publication review by the Office of Management and Budget's (OMB's) Office of Information and Regulatory Affairs (OIRA) is necessary. OMB deemed this proposed rule a ''significant regulatory action,'' as defined under Executive order 12866. Therefore, the proposed rule was submitted to OIRA for review prior to its publication in the **Federal Register**.

Regulatory Flexibility Act

This proposed rule primarily affects individual persons. None of the changes proposed will have the effect of imposing costs on universities, other research institutions, or other small entities. Therefore, the Secretary certifies that this rule will not have significant impact on a substantial number of small entities and that preparation of an initial regulatory flexibility analysis is not required.

Paperwork Reduction Act

This proposed rule does not contain any new information collection requirements which are subject to Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

List of Subjects in 42 CFR Part 46

Health—clinical research, Medical research.

Dated: April 3, 1997.

Harold E. Varmus,

Director, National Institutes of Health.

Approved: September 16, 1997.

Donna E. Shalala,

Secretary.

Editorial Note: This document was received at the Office of The Federal Register May 13, 1998.

For reasons presented in the preamble, it is proposed to amend part 46 of title 45 of the Code of Federal Regulations as set forth below.

PART 46—PROTECTION OF HUMAN SUBJECTS

1. The authority citation for 45 CFR part 46 would be revised to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 289(a).

2. Subpart B of 45 CFR part 46 would be revised to read as follows:

Subpart B—Additional DHHS Protections for Pregnant Women, Human Fetuses, and Newborns Involved as Subjects in Research, and Pertaining to Human In Vitro Fertilization

Sec.

46.201 To what do these regulations apply?
46.202 Definitions.
46.203 Duties of IRBs in connection with research involving pregnant women, human fetuses, newborns, and human in vitro fertilization.
46.204 Research involving pregnant women or fetuses.
46.205 Research involving newborns of uncertain viability, nonviable newborns, and viable newborns.
46.206 Research involving after delivery, the placenta, the dead newborn, or fetal material.
46.207 Modification or waiver of specific requirements.

§ 46.201 To what do these regulations apply?

(a) Except as provided in paragraph (b) of this section, this subpart applies to all research involving pregnant women, human fetuses, and newborns as subjects, and to all research involving the in vitro fertilization of human ova, conducted or supported by the Department of Health and Human Services. This includes all research conducted in Department facilities by any person and all research conducted in any facility by Department employees.

(b) The exemptions at § 46.101(b) (1) through (6) are applicable to this subpart.

(c) The additions, exceptions, and provisions for waiver as they appear in § 46.101(c) through (i) are applicable to this subpart. Reference to State or local laws in this subpart and in § 46.101(f) is intended to include the laws of federally recognized American Indian and Alaska Native Tribal Governments.

§ 46.202 Definitions.

The definitions in § 46.102 shall be applicable to this subpart as well. In addition, as used in this subpart:

(a) *Secretary* means the Secretary of Health and Human Services and any other officer or employee of the Department of Health and Human Services (DHHS) to whom authority has been delegated.

(b) *Pregnancy* encompasses the period of time from implantation until delivery. A woman shall be assumed to be pregnant if she exhibits any of the pertinent presumptive signs of pregnancy, such as missed menses, until the results of a pregnancy test are negative or until delivery.

(c) *Fetus* means the product of conception during pregnancy until a determination is made after delivery that it is viable.

(d) *Newborn* is a fetus after delivery.

(e) *Nonviable fetus* or *nonviable newborn* means a newborn or fetus after delivery that, although living, is not viable.

(f) *Dead fetus* or *dead newborn* means a newborn or fetus after delivery which exhibits neither heartbeat, spontaneous respiratory activity, spontaneous movement of voluntary muscles, nor pulsation of the umbilical cord (if still attached).

(g) *Viable fetus* or *viable newborn* means a newborn that is able to survive (given the benefit of available medical therapy) to the point of independently maintaining heartbeat and respiration. The Secretary may from time to time, taking into account medical advances, publish in the **Federal Register** guidelines to assist in determining whether a fetus or newborn is viable for purposes of this subpart. If a newborn is viable then it is a child, and subpart D of this part is applicable.

(h) *Children* are persons who have not attained the legal age for consent to treatments or procedures involved in the research, under the applicable law of the jurisdiction in which the research will be conducted. (See definition of ''viable fetus'' or ''viable newborn'' at § 46.202 (g)).

(i) *In vitro fertilization* means any fertilization of human ova which occurs outside the body of a female, either through admixture of donor human sperm and ova or by any other means.

§ 46.203 Duties of IRBs in connection with research involving pregnant women, human fetuses, newborns, and human in vitro fertilization.

In addition to other responsibilities assigned to IRBs under this part, each IRB shall review research covered by this subpart and approve only research which satisfies the conditions of all applicable sections of this subpart and the other subparts of this part.

§ 46.204 Research involving pregnant women or fetuses.

Pregnant women or fetuses may be involved in research if all of the following conditions are met:

(a) Where scientifically appropriate, preclinical studies, including studies on pregnant animals, and clinical studies, including studies on nonpregnant women, have been conducted and provide data for assessing potential risks to pregnant women and fetuses;

(b) The risk to the fetus is not greater than minimal, or any risk to the fetus which is greater than minimal is caused solely by activities designed to meet the health needs of the mother or her fetus;

(c) Any risk is the least possible for achieving the objectives of the research.

(d) The woman is fully informed regarding the reasonably foreseeable impact of the research on the fetus (or a resultant child);

(e) The woman's consent or the consent of her legally authorized representative is obtained in accord with the informed consent provisions of subpart A of this part;

(f) For pregnant children, assent and permission are obtained in accord with the provisions of subpart D of this part;

(g) Individuals engaged in the research will have no part in:

(1) Any decisions as to the timing, method, or procedures used to abort a pregnancy, or

(2) Determining the viability of a newborn; and

(h) No inducements, monetary or otherwise, will be offered to abort a pregnancy.

§ 46.205 Research involving newborns of uncertain viability, nonviable newborns, and viable newborns.

(a) *Newborns of uncertain viability.* After delivery and until it has been ascertained whether or not a newborn is viable, a newborn may not be involved as a subject in research covered by this subpart unless both of the conditions in paragraphs (a)(1) and (2) of this section are met:

(1) The purpose of the research is:

(i) To enhance the possibility of survival of the particular newborn to the point of viability, or

(ii) The development of important biomedical knowledge which cannot be obtained by other means and there will be no risk to the newborn resulting from the research, and

(2) The legally effective informed consent of the mother or the father of the newborn or, if neither parent is able to consent because of unavailability, incompetence, or temporary incapacity, the legally effective informed consent of the mother's or the father's legally authorized representative is obtained in accord with Subpart A of this part.

(b) *Nonviable newborns.* After delivery, a nonviable newborn may not be involved as a subject in research covered by this subpart unless all of the following conditions are met:

(1) Vital functions of the newborn will not be artificially maintained;

(2) The research will not terminate the heartbeat or respiration of the newborn;

(3) There will be no added risk to the fetus of suffering injury or death resulting from the research and the purpose of the research is the development of important biomedical knowledge that cannot be obtained by other means; and

(4) The legally effective informed consents of both the mother and the father of the newborn are obtained in accord with subpart A of this part, except that the waiver and alteration provisions of § 46.116 (c) and (d) do not apply. However, if either parent is unable to consent because of unavailability, incompetence, or temporary incapacity, the informed consent of the other parent of a nonviable newborn will suffice to meet the informed consent requirement of this paragraph (b)(4). The consent of a legally authorized representative of either or both of the parents of a nonviable newborn will not suffice to meet the requirements of this paragraph (b)(4).

(c) *Viable newborns.* A viable newborn is a child and may be included as a subject in research only to the extent permitted by and in accord with the requirements of Subparts A and D of this part.

§ 46.206 Research involving, after delivery, the placenta, the dead newborn, or fetal material.

(a) Research involving, after delivery, the placenta; the dead newborn; macerated fetal material; or cells, tissue, or organs excised from a dead newborn shall be conducted only in accord with any applicable Federal, State or local laws and regulations regarding such activities.

(b) If information associated with material described in paragraph (a) of this section is recorded for research purposes in a manner that living persons can be identified, directly or through identifiers linked to those persons, those persons are research subjects and all pertinent subparts of this part are applicable.

§ 46.207 Modification or waiver of specific requirements.

The Secretary may modify or waive specific requirements of this subpart for specific research projects or classes of research, after consultation with a panel of experts in pertinent disciplines and after opportunity for public review and comment, including a public meeting. In making a decision to modify or waive, the Secretary will consider whether the risks to the subjects are so outweighed by the sum of the benefits to the subjects and the importance of the knowledge to be gained as to warrant such modification or waiver and that such benefits cannot be gained except through a modification or waiver. Any such modifications or waivers will be published as notices in the **Federal Register**.

[FR Doc. 98–13091 Filed 5–19–98; 8:45 am]

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Wednesday
May 20, 1998

Part III

Department of Education

Systems-Change Projects To Expand Employment Opportunities for Individuals With Mental or Physical Disabilities, or Both, Who Receive Public Support; Notice

DEPARTMENT OF EDUCATION

RIN 1820–ZA11

Systems-Change Projects To Expand Employment Opportunities for Individuals With Mental or Physical Disabilities, or Both, Who Receive Public Support

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of proposed priority and definitions for fiscal year (FY) 1998 and subsequent years.

SUMMARY: The Secretary proposes a priority for fiscal year (FY) 1998 and subsequent years under section 12(a)(3) of the Rehabilitation Act of 1973, as amended (the Act) (29 U.S.C. 762(b)(3)), authorizing the conduct of special projects and demonstrations in carrying out the purposes of the Act. The priority would support five-year projects to expand employment outcomes for individuals with mental or physical disabilities, or both, who receive public support. The priority is intended to enhance collaboration in existing systems to increase competitive employment opportunities for individuals with disabilities who are participants in public support programs funded by Federal, State, and local agencies.

DATES: Comments must be received by the Department on or before June 19, 1998.

ADDRESSES: All comments concerning this proposed priority should be addressed to Dr. Thomas Finch, U.S. Department of Education, 600 Independence Avenue, SW., Room 3038, MES Building, Washington, DC. 20202–2650. Comments may also be sent through the Internet to: comments@ed.gov

You must include the term ''Systems-Change Projects'' in the subject line of your electronic message.

FOR FURTHER INFORMATION CONTACT: Pedro Romero, U.S. Department of Education, 600 Independence Avenue, SW., Room 3316, MES Building, Washington, DC. 20202–2650. Telephone: (202) 205–9797. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

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Note: The official version of this document is the document published in the **Federal Register**.

Goals 2000: Educate America Act

The Goals 2000: Educate America Act (Goals 2000) focuses the Nation's education reform efforts on the eight National Education Goals and provides a framework for meeting them. Goals 2000 promotes new partnerships to strengthen schools and expands the Department's capacities for helping communities to exchange ideas and obtain information needed to achieve the goals.

This proposed priority would address the National Education Goal that every adult American, including individuals with disabilities, will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

The Secretary will announce the final priority in a notice in the **Federal Register**. The final priority will be determined by responses to this notice, available funds, and other considerations. Funding of particular projects depends on the availability of funds, the nature of the final priority, and the quality of the applications received. The publication of this proposed priority does not preclude the Secretary from proposing or funding additional priorities, subject to meeting applicable rulemaking requirements.

Note: This notice of proposed priority does *not* solicit applications. In any year in which the Secretary chooses to use this proposed priority, the Secretary invites applications through a notice in the **Federal Register**.

Priority

Background

According to the 1994 Harris Survey of Americans with Disabilities, two-thirds of individuals with disabilities between the ages of 16 and 64 are not working. Many of these individuals receive financial support or services through programs funded by Federal, State, and local agencies. Examples of these programs include Temporary Aid to Needy Families (TANF), Supplemental Security Income (SSI), Social Security Disability Income (SSDI), Medicaid (including Medicaid waiver programs), Medicare, subsidized housing, and food stamps.

Statistical data reveal that of the 32 percent of adult recipients of Aid to Families with Dependent Children (AFDC) who had a work or functional disability, 15 percent were able to work despite their functional limitations (National Health Interview Survey on Disability, U.S. Department of Health and Human Services, 1994). Studies conducted in Kansas and Washington indicate that up to 60 percent of the current TANF recipients in those States have some type of disability. At the same time, the TANF program requires recipients to work and also limits the length of TANF assistance—recent developments that further underscore the need to reduce barriers to employment confronted by individuals with disabilities on public support.

In addition, the proportion of individuals with disabilities receiving public support through SSI or SSDI continues to increase. Over the past decade, the total number of SSI and SSDI beneficiaries has doubled, and cash payments for these individuals increased to over $55 billion (World Institute on Disability, 1996). Social Security recipients often do not work since they would lose their Social Security and Medicaid benefits if their earnings increased beyond a threshold level. Thus, few individuals leave the Social Security system. New adult SSI recipients receive benefits for an average of 10 years, whereas individuals who receive SSI benefits as children remain on the rolls for an average of approximately 27 years (Rupp and Scott, 1995).

Many individuals participating in public support programs, including the programs discussed previously, are unable to obtain the services or supports they need to become competitively employed and achieve economic independence. Employment training

programs that serve the general population, as well as employers themselves, are often unable to meet the specialized needs of these individuals. In addition, individuals with disabilities who are not eligible for State vocational rehabilitation services, or who do not believe that they need a comprehensive rehabilitation program, are still unlikely to receive work-related services from employment training programs that serve the general population. Consequently, many individuals with disabilities who are capable of working essentially ''fall between the cracks.'' The Secretary expects that the models developed under the proposed priority will demonstrate how employment training and other related programs can more effectively coordinate services so that individuals with disabilities can obtain employment.

Seventy-nine percent of unemployed individuals with disabilities have indicated that they would prefer to be working (Harris Survey, 1994). The combination of the high costs associated with living with a disability, work-related expenses, and the reduction in public supports available to persons once they become employed often dissuade individuals with disabilities from pursuing competitive work. Some of the specific barriers to the employment that individuals with disabilities commonly confront include—

- Lack of adequate health insurance (e.g., individuals' fear of losing public health care coverage, inability to obtain private medical insurance, or limited access to treatment and prescription services);
- Underutilization of existing work incentives from Social Security and other State and local agencies (e.g., Plan for Achieving Self Support (PASS), and Impairment Related Work Expenses, section 1619a and b of the Social Security Act);
- Lack of affordable, accessible housing and transportation;
- Insufficient education and training services;
- Lack of child care;
- Inadequate supports for employees with disabilities (e.g., onsite and offsite job accommodations and long-term follow-along services); and
- Inadequate supports for employers (e.g., incentives for hiring, retaining, and promoting individuals with disabilities and technical assistance and follow-along consultation to assist employers in addressing the ongoing needs of employees with disabilities and to clarify employer misperceptions and misinformation).

Lack of information and coordination of public support programs can cause program-related barriers that inhibit individuals with disabilities from effectively using available services. In many instances, individuals with disabilities are simply unaware of existing employment-related programs, work incentives, or available services. Another common barrier is the lack of coordination between separate programs with separate eligibility criteria even though the same individuals often require services from each program. The Secretary expects projects to address these types of program-related barriers, as well as any other type of barrier that impedes individuals with disabilities from becoming employed and self-sufficient.

There is a critical need for greater coordination between multiple public programs that support individuals with disabilities that would foster increased economic self-sufficiency and a more efficient use of public resources. In an effort to address this need, the Secretary proposes the following priority in order to provide a framework for assisting individuals with disabilities to reduce their reliance on various public support programs and obtain and maintain employment in the competitive labor market.

The requirements in the priority are designed to facilitate systems-change projects that eliminate barriers to employment for individuals with disabilities and are based on existing studies and reports, the experiences of State vocational rehabilitation agencies in working with individuals participating in other public support programs, and on information provided by other Federal agencies that administer disability-related programs. These Federal agencies were particularly helpful in assisting the Secretary to identify the employment-related barriers confronted by individuals with disabilities that the Secretary proposes to target through this priority and to identify the types of State agencies whose participation in the project would be most critical to eliminating those barriers. The identified State agencies would serve as members of a consortium that the systems-change project would establish under paragraph (A) of the priority.

The Secretary emphasizes that the model systems-change projects that would be supported under this priority are part of a larger effort on the part of the Federal Government to create a coordinated and aggressive national policy to reduce the unemployment rate of individuals with disabilities and to assist those individuals in obtaining competitive jobs. This effort is directly reflected in Executive Order 13078, signed on March 13, 1998, entitled ''Increasing Employment of Adults With Disabilities'' (63 FR 13111, March 18, 1998). For example, Executive Order 13078, in part, calls for an analysis of existing programs and policies to determine what modifications and innovations may be necessary to remove work-related barriers experienced by individuals with disabilities; the development and recommendation of options for eliminating barriers to health insurance coverage for those with disabilities; and an analysis of work-related youth programs and the outcomes of these programs for young people with disabilities. The Secretary proposes the following priority as one means of addressing the purposes of Executive Order 13078. As other Federal agencies design and carry out activities in response to the Executive order, it is expected that many of those activities will complement the systems-change projects funded under this priority.

The Secretary also emphasizes the need for projects supported under this priority to begin implementing strategies for removing barriers early in the project period in order for the project to have a measurable effect on the rate by which individuals with disabilities become competitively employed. For that reason, the Secretary expects project recipients to work with Rehabilitation Services Administration staff to ensure that planning steps, including development of partnership agreements and, if appropriate, submission of Medicaid waiver requests under paragraph (C) of the priority, are promptly completed and that projects begin implementing their barrier-removal strategies as soon as possible.

The purpose of the proposed absolute priority is to establish five-year model demonstration projects that stimulate and advance systems-change in order to expand employment outcomes for individuals with mental or physical disabilities, or both, who are participants in Federal, State, and local public support programs (e.g., TANF, SSI, SSDI, Medicaid, Medicare, subsidized housing, and food stamps, etc.)

Absolute Priority

Under 34 CFR 75.105(c)(3) and section 12(a)(3) of the Act, the Secretary proposes to give an absolute preference to applications that meet the following priority. The Secretary proposes to fund under this competition only applications that meet this absolute priority:

A. General Requirements for Applicants

Applicants under this priority shall satisfy the following requirements:

(1) Applicants shall form a consortium of, at a minimum, the State vocational rehabilitation agency, the State welfare agency, the State educational agency, the State agency responsible for administering the Medicaid program, and an agency administering an employment or employment training program supported by the U.S. Department of Labor. Additional entities (e.g., public and private nonprofit organizations) that could effectively assist in removing barriers to employment for individuals with disabilities also may be included as part of the consortium.

(2) The members of the consortium shall either designate one of their members to apply for the grant or establish a separate, eligible legal entity to apply for the grant. The designated applicant shall serve as the grantee and be legally responsible for the use of all grant funds, overall fiscal and programmatic oversight of the project, and for ensuring that the project is carried out by consortium members in accordance with Federal requirements.

(3) Consortium members shall be substantially involved in the development of the application. Each consortium member's advisory council, if the member has such a council, shall also participate in the development of the application.

(4) The members of the consortium shall enter into an agreement that details the activities that each member plans to perform and that binds each member to the statements and assurances included in the application. Each member is legally responsible for carrying out the activities it agrees to perform and for using the funds that it receives under the agreement in accordance with Federal requirements that apply to the grant. The agreement must be submitted as part of the application.

(5) The application submitted under this priority also must identify the specific locality or region that would be served by the project.

B. Project Objectives

Projects supported under this priority must—

(1) Identify systemic barriers, including State or local agency policies, practices, procedures, or rules that inhibit individuals with disabilities who are participants in public support programs from becoming employed.

(2) Develop and implement replicable strategies to remove identified barriers, including, at a minimum, strategies for—

(a) Establishing effective collaborative working relationships among project consortium members and their partners as described in paragraph (C)(1) of this priority (e.g., providing interagency staff training and technical assistance on program requirements and services or collaboratively using labor market and job vacancy information);

(b) Establishing coordinated service delivery systems (e.g., common intake and referral procedures, customer databases, and resource information) and developing innovative services and service approaches that address service gaps (e.g., developing employee and employer support networks);

(c) Improving access to health insurance for individuals with disabilities who become employed;

(d) Increasing the use of existing resources by State and local agencies (e.g., Medicaid waivers, Home Community Based Services waivers, Job Training Partnership Act income exemptions, and work incentive provisions such as Plan for Achieving Self Support);

(3) Design and implement an internal evaluation plan for which—

(a) The methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the project;

(b) The methods of evaluation provide for examining the effectiveness of project implementation strategies;

(c) The methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible;

(d) The methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes; and

(e) The evaluation will provide guidance about effective strategies suitable for replication or testing in other settings; and

(4) Disseminate information on effective systems-change approaches developed under these projects to Federal, State, and local stakeholders and facilitate the use of systems-change models in other geographic areas. As examples, consortia may make presentations before national, State, or local conferences, consult with and provide technical assistance to other States or localities, develop Internet web sites, and distribute project publications.

C. Project Requirements

In carrying out the priority, the projects must—

(1) Develop partnership agreements, as described under DEFINITIONS, with the local district offices of the Social Security Administration; the State agency or agencies responsible for mental retardation, developmental disabilities, and mental health services; existing transportation or paratransit service providers; and appropriate public and private sector employers. Partnerships also may be formed with other appropriate entities identified by the consortium, including, but not limited to, Centers for Independent Living, consumer advocacy organizations, economic development councils, Private Industry Councils, Governor's committees on the employment of persons with disabilities, developmental disabilities councils, mental health centers, community rehabilitation programs, Indian Tribes, labor unions, and employment and training organizations funded by the U.S. Department of Labor;

(2) Make timely, formal requests for Medicaid waivers if necessary for projects to be able to implement developed strategies;

(3) Implement, in a timely manner, the strategies developed by the project to expand employment outcomes for individuals with mental or physical disabilities, or both;

(4) Participate, as appropriate, in meetings of a Federal Interagency Employment Initiative Workgroup and inform workgroup members of project activities; and

(5) Participate in, and provide data for, an external evaluation of the systems-change projects as directed by the Commissioner of the Rehabilitation Services Administration. The evaluation would examine—(a) The effect of specific innovative systems-change approaches and strategies on State or local agency policies, practices, or rules affecting the employment of individuals with disabilities; (b) The effect of specific innovative systems-change approaches and strategies on increasing the number of individuals with disabilities who obtain competitive employment, including job retention, promotion, satisfaction, and wage growth; and (c) The cost effectiveness of employment supports and services implemented by the project.

Proposed Definitions

Consortium means a group of eligible parties formed by the applicant seeking a Federal award under this priority. Members of the consortium shall enter

into an agreement and carry out their responsibilities consistent with the requirements in paragraph (A) of the priority. Members of the consortium shall also ensure that project partners carry out their agreed-upon activities.

Disability with respect to an individual means a physical or mental impairment that substantially limits one or more of the major life activities of that individual, having a record of such an impairment, or being regarded as having such an impairment.

Locality means specific geographical areas within a State or States.

Partner means an entity with which the consortium has entered into an agreement to carry out specific activities, goals, and objectives of the project.

Partnership agreement means a written arrangement between a consortium and its partners to carry out specific activities related to the project.

Public Support means Federal, State, and local public programs that provide resources or services to individuals with disabilities. These programs include, but are not limited to, Temporary Aid to Needy Families (TANF), Supplemental Security Income (SSI), Social Security Disability Income (SSDI), Medicaid (including Medicaid waiver programs), Medicare, subsidized housing, and food stamps.

Region means two or more States participating in the project.

Selection Criteria

In evaluating an application for a new grant under this competition, the Secretary uses selection criteria chosen from the general selection criteria in § 75.210 of the Education Department General Administrative Regulations. The selection criteria to be used for this competition will be provided in the application package for this competition.

Executive Order 12866

This proposed priority has been reviewed in accordance with Executive Order 12866. Under the terms of the order the Secretary has assessed the potential costs and benefits of this regulatory action.

The Secretary has determined that there are no costs associated with this priority. Announcement of the priority would not result in costs to State and local governments, recipients of grant funds, or to individuals with disabilities and their families. The benefit from this priority would be to focus activities and Federal assistance on increasing competitive employment outcomes for individuals with disabilities who are participants in public support programs through enhanced collaboration and coordination.

The Secretary has also determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

To assist the Department in complying with the specific requirements of Executive Order 12866, the Secretary invites comment on whether there may be opportunities to increase potential benefits resulting from this proposed priority without impeding the effective and efficient administration of the program.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding this proposed priority. The Secretary is particularly interested in receiving comments on the composition of the consortium and other consortium requirements. In addition, the Secretary invites comment on whether it is appropriate or feasible for a consortium to serve more than one State.

All comments submitted in response to this proposed priority will be available for public inspection, during and after the comment period, in Room 3038, MES Building, 330 C Street, S.W., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

On request the Department supplies an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking docket for this proposed priority. An individual with a disability who wants to schedule an appointment for this type of aid may call (202) 205–8113 or (202) 260–9895. An individual who uses a TDD may call the Federal Information Relay Service at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Program Authority: 29 U.S.C. 762(b)(3).

(Catalog of Federal Domestic Assistance Number has not been assigned)

Dated: March 24, 1998.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 98–13398 Filed 5–19–98; 8:45 am]

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federal register

Wednesday
May 20, 1998

Part IV

The President

Proclamation 7097—World Trade Week, 1998

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Wednesday, May 20, 1998

Presidential Documents

Title 3—

The President

Proclamation 7097 of May 15, 1998

World Trade Week, 1998

By the President of the United States of America

A Proclamation

The American economy is experiencing its longest period of sustained growth in more than a generation, with more than 15 million new jobs, the lowest unemployment rate since 1970, and the lowest inflation rate in more than 30 years. Much of this economic expansion can be attributed to our overseas trade. Today, America is the world's leading exporter. Our exports sustain 12 million jobs—jobs that on average, pay more than jobs not tied to exports. The extraordinary vigor of America's economy reflects the 1998 theme of World Trade Week: ''Exporting Pays Off.''

Our unparalleled capacity to develop and market high-technology products and processes has given us a strong competitive edge in the international marketplace in everything from aerospace to agriculture. Americans have led the world into the Information Age, and we are poised to lead it into an exciting new era of electronic commerce. Also central to our success in the global economy has been our ability to open foreign markets for American goods and services. During the past 5 years, my Administration has negotiated more than 240 new trade agreements and strengthened efforts to eliminate unfair trading practices in order to help American workers and businesses compete in an international arena that is open and fair and where trade rules are enforced.

To keep America growing, and to maintain our leadership in the global economy, we must expand our exports. We must sustain our advantage in information and other technologies by creating a business climate that encourages investment, by continuing our support of education and research in basic science and technology, and by ensuring that American workers are the best-educated and best-trained work force in the world. The Bureau of Labor Statistics estimates that we will need more than a million new high-skilled workers during the next 10 years to power the information technology field. We must provide working Americans with the skills and training they need to seize these promising employment opportunities.

Our exports and our economic strength depend upon our access to an open, stable, and growing world market. The nations of the world are becoming increasingly intertwined in a global economy. We must continue our efforts to remove foreign barriers to American goods and services, to open new markets, and to keep them open. This week, I will travel to Geneva, Switzerland and address the World Trade Organization to underline just how important free and open trade is to our future prosperity. Fast-track trade authority has been a crucial tool in this endeavor in the past, and it will become increasingly important to our ability to compete in the future with other countries for new markets, new contracts, and new jobs. This traditional trading authority will empower us to negotiate pro-growth, pro-American trade agreements that will maintain the momentum of our economy and ensure that American workers and American businesses can compete on a level playing field with the rest of the world.

America's leadership in building an open, fair world trade system is paying off in rewards for entrepreneurial initiative, higher wages for working Americans, incentives for technological advances and artistic creation, and prosperity for our Nation. By embracing the challenges of competing in the global marketplace in the 21st century, we can ensure continued growth for American businesses, prosperity for working Americans, and a brighter future for us all.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim May 17 through May 23, 1998, as World Trade Week. I invite the people of the United States to observe this week with ceremonies, activities, and programs that celebrate the potential of international trade.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of May, in the year of our Lord nineteen hundred and ninety-eight, and of the Independence of the United States of America the two hundred and twenty-second.

William J. Clinton

[FR Doc. 98–13708
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